

With kindest personal regards, I am

Sincerely yours,
CARL T. CURTIS, USS

Welcome Resolution

S. R. No. 451—By Senator Wilson: Extending welcome to Frank W. Ebaugh of Jacksonville and Wright Matthews of Palestine.

Adjournment

On motion of Senator Aikin the Senate at 11:11 o'clock a.m. adjourned until 10:30 o'clock a.m. Monday, April 24, 1967.

FIFTY-FIRST DAY

(Monday, April 24, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Hall

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 20, 1967, was dispensed with and the Journal was approved.

Leave of Absence

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Word.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 365, A bill to be entitled "An Act authorizing the governing boards of Texas Technological College and Pan American College to construct, acquire, extend, improve and equip a utility plant, to issue negotiable revenue bonds for such purposes, to pledge revenues to the payment of such bonds, to issue refunding bonds, declaring such bonds to be legal investments and qualifying same for security of public funds, providing other matters relating thereto; and declaring an emergency."

(With Amendment.)

S. B. No. 385, A bill to be entitled "An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including Home-Rule cities) or towns; etc., and declaring an emergency."

S. B. No. 413, A bill to be entitled "An Act amending Section 1 of Chapter 27, Acts of the Fifty-seventh Legislature, First Called Session, to provide that said Act shall be applicable to any city which has outstanding refunding bonds issued pursuant to a plan of composition confirmed by a United States District Court under the National Bankruptcy Law, where the ordinance authorizing the issuance of such refunding bonds provides that not less than a fixed rate of tax therein specified shall be levied, assessed and collected each year so long as any of such bonds or interest thereon are outstanding, and declaring an emergency."

(With Amendment.)

S. B. No. 468, A bill to be entitled "An Act reapportioning the 155th Judicial District and making necessary related provisions; amending Chapter 509, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 199(155), Vernon's

Texas Civil Statutes); and declaring an emergency."

(With Amendment.)

H. B. No. 25, A bill to be entitled "An Act creating a State Commission for the Deaf and prescribing its powers and duties; and declaring an emergency."

H. B. No. 559, A bill to be entitled "An Act making findings and declaring policies relating to occupational safety; defining terms of this Act; providing duties of employers as to occupational safety; creating within the Bureau of Labor Statistics an Occupational Safety Board; authorizing said Board, after public hearing, to make and publish in occupational safety rules for places of employment; creating within the Bureau of Labor Statistics a Division of Occupational Safety; providing for the enforcement and administration of such rules by the Commissioner of the Bureau of Labor Statistics; providing for judicial review of such rules; providing enforcement procedures and penalties; providing for cooperation with the State Department of Health; providing separability; repealing conflicting laws; and declaring an emergency."

H. B. No. 664, A bill to be entitled "An Act directing the State Board of Education to develop and publicize a program to encourage and facilitate the entry into public school teaching and service positions of certain qualified persons and declaring an emergency."

H. B. No. 676, A bill to be entitled "An Act relating to the continuation of an appointment of, and the conditions of issuing a temporary license to, a life insurance agent; amending Subdivision (e), as added to Section 9, and adding a Subdivision (c) to Section 10, Chapter 213, Acts of the 54th Legislature, 1955, as amended (Article 21.07-1, Vernon's Texas Insurance Code); and declaring an emergency."

H. B. No. 749, A bill to be entitled "An Act relating to the selection and qualification of depositories of all agencies and political subdivisions of the State, and declaring an emergency."

H. B. No. 935, A bill to be entitled "An Act concerning the required Government or Political Science and

American History courses in state-supported and state-aided colleges and universities; amending Sections 2 and 4, Chapter 83, Acts 41st Legislature, Second Called Session, 1929, as amended, and Section 1, Chapter 449, Acts 54th Legislature, 1955; and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act to carry into effect the provisions of the proposed amendment adding Section 49e to Article III of the State Constitution; defining certain terms; designating the Parks and Wildlife Department to perform the governmental functions authorized by this Act; authorizing the issuance of Seventy-Five Million Dollars (\$75,000,000) State Bonds to create the Texas Park Development Fund; providing the method, manner, and mechanics of issuing and paying such bonds; authorizing the Department to issue refunding bonds; declaring such State Bonds to be legal investments and free from taxation; providing for the method of the sale of bonds; providing for charging of entrance or gate fees at State Parks; creating special funds; requiring the setting aside of certain funds for certain purposes; providing for the deposits to, transfers between, and payments from State Funds; providing for deposit of certain excess moneys in the State Parks Fund; authorizing investment of surplus funds; providing for acquisition of lands by purchase, condemnation or otherwise, and for development of said lands as State Parks, and authorizing contracts for land acquisition and development; repealing conflicting laws; providing a saving clause; and declaring an emergency."

S. B. No. 148, A bill to be entitled "An Act amending Article 7467c, Revised Civil Statutes of Texas, 1925, being the article authorizing the granting of seasonal and temporary permits to appropriate water, by limiting to three years the period of time for which a temporary permit may be granted; and declaring an emergency."

H. B. No. 90, A bill to be entitled "An Act relating to unemployment compensation in this state; providing benefits, benefit eligibility conditions, disqualification for benefits, claims for benefits, contributions, collection of

contributions, and reciprocal arrangements; adding a new Subsection (e) to Section 7 and new Subsections (n) and (o) to Section 14 and Subsection (p) to Section 19; amending Subsections (b) and (e) of Section 3, Subsections (d) and (e) of Section 4, Subsection (e) of Section 5, Subsection (b) of Section 6, Subsections (a), (c), and (d) of Section 7, Subsections (a), (b), (c), and (f) of Section 14, Subsections (b) and (d) of Section 17a, Subsection (n) of Section 19 of Chapter 482, Acts of the 44th Legislature, Third Called Session 1936, as amended (Article 5221b, Vernon's Texas Civil Statutes); and declaring an emergency."

S. C. R. No. 51, Congratulating the Basketball Team of Snook High School, Burleson County, Texas.

S. C. R. No. 52, In memory of Martin G. Hylin.

The House has concurred in Senate amendments to House Bill No. 450 by vote of 137 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 465 by vote of 139 ayes, 0 noes.

The House has concurred in Senate Amendments to House Bill No. 610 by vote of 140 ayes, 0 noes.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 454

Senator Herring offered the following resolution:

Whereas, Today marks the last day Larry Randall (Randy) Harrell will serve as an Assistant Sergeant at Arms in the Texas Senate; and

Whereas, This popular and competent member of the Senate staff is in charge of typewriter maintenance; and

Whereas, Mr. Harrell, the son of Mr. and Mrs. Troy Harrell, 2207 Northland Drive, Austin, Texas, is leaving the Senate to begin a tour of duty with the United States Army; now, therefore, be it

Resolved, That the members of the Senate express their appreciation to this young man for his loyal service and wish him success and Godspeed as

he embarks on his military career; and be it further

Resolved, That a copy of this Resolution be prepared under the Seal of the Senate and presented to Larry Randall Harrell as a token of the high regard in which he is held by the members of the Texas Senate.

HERRING

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Presentation of Guests

Senator Aikin by unanimous consent presented Mrs. Walter Hightower, the mother of Senator Hightower, to the Members of the Senate.

Reports of Standing Committees

Senator Kennard submitted the following reports:

Austin, Texas,
April 20, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred S. B. No. 542, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KENNARD, Chairman.

Austin, Texas,
April 20, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 752, have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

KENNARD, Chairman.

Austin, Texas,
April 20, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 509, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KENNARD, Chairman.

Senator Cole submitted the following report:

Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 560, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.
REAGAN
BLANCHARD

Senate Bill 570 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word
Hightower	

Nays—2

Bates Hardeman

Absent

Strong

Absent—Excused

Hall

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Aikin:

S. B. No. 570, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive, and Legislative branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the fiscal year beginning September 1, 1967, and ending August 31, 1968; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency."

To the Committee on Finance.

Senate Bill 571 on First Reading

Senator Cole moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Hall

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Cole:

S. B. No. 571, A bill to be entitled

"An Act relating to the terms of appointment of members of the Governor's Committee on Public School Education; amending Subsection (a), Section 5, Chapter 438, Acts of the 59th Legislature, Regular Session, 1965 (Article 2922-25, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Education.

Senate Bill 572 on First Reading

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Hall

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Parkhouse:

S. B. No. 572, A bill to be entitled "An Act relating to the imposition and collection of a Limited Sales, Excise and Use Tax; amending Section (U), Article 20.04, as amended, Title 122A, Revised Civil Statutes of Texas, 1925; relating to exemptions on transfers without substantial change in ownership; and declaring an emergency."

To the Committee on State Affairs.

Senate Resolution 458

Senator Watson offered the following resolution:

Whereas, Chartered by the Ninth

Congress of the Republic of Texas in 1845, Baylor University began its 123rd year of operation on February 1, 1967; and

Whereas, This oldest institution of higher education in Texas is the world's largest Baptist university and, through the years, has made great contributions for the improvement and betterment of higher education in the state; and

Whereas, Under the able leadership of Dr. Abner V. McCall, who became president in 1961, Baylor University has steadily increased its enrollment and has achieved national recognition for its high academic standards; and

Whereas, This outstanding university now has a faculty of 352 members on the Waco campus alone and, largely since World War II, has added extensive graduate work leading to Master's and PhD. level; Baylor is the only Baptist university with graduate work at the doctoral level; and

Whereas, Although a private, church-supported institution of higher education, Baylor has the largest and one of the most generous programs of student aid in Texas, spending more than \$1 million per year to assist students who would otherwise be unable to obtain a college education; and

Whereas, At schools away from the Waco campus, Baylor University offers graduate and advanced work in medical, dental, and law schools, thereby greatly increasing the educational opportunities for Texas citizens; and

Whereas, Since Baptist education first began in Texas, Baptist colleges and universities have graduated some 58,000 students, and more than 32,000 of these have come from Baylor University; and

Whereas, The Baylor University development program, initiated as "Projection '68", is making great strides in improving the physical plant of Baylor University, as well as new course offerings and academic ratings, and Baylor has, through the many years it has served Texas youth, been one of the outstanding higher educational institutions of the State; now, therefore, be it

Resolved, That the Senate of the 60th Legislature by this resolution express appreciation to President Abner V. McCall and the exceptional faculty

of Baylor University for making this school the keystone of the Baptist educational program of Texas and a significant part of the over all Texas higher education system; and, be it further

Resolved, That the Senate congratulate Baylor University as it begins its 123rd year and extend best wishes for continued growth and achievement, and that a copy of this resolution be forwarded to President McCall as an expression of appreciation from the Senate of Texas.

WATSON

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Concurrent Resolution 53

Senator Grover offered the following resolution:

S. C. R. No. 53, Extending congratulations to Edward Stephen Hutcherson on 56th anniversary of ministry.

Whereas, May 9, 1967, will mark the Fifty-sixth Anniversary of the ministry of Edward Stephen Hutcherson, and it is the desire of the Legislature of the State of Texas to extend congratulations to Dr. Hutcherson on this occasion, and

Whereas, Dr. Hutcherson has exemplified the best in devoted Christian service and his life is an example to the many persons who have been blessed by association with him during the years, and

Whereas, Dr. Hutcherson was born in Wichita Falls, Texas, on the 20th day of December, 1891, the son of Rosa and Jim Hutcherson, and

Whereas, Dr. Hutcherson became a Christian at the age of seventeen and was baptized at Concord, Texas,

dedicating himself to Christian service, and

Whereas, Dr. Hutcherson, at the age of twenty, accepted the call to preach and delivered his first sermon on June 1, 1911, in the Lone Pine Baptist Church near Palestine, Texas, and has continued his gospel ministry since such time, and

Whereas, To better equip himself for his work in the ministry, he attended Rusk Baptist Academy, Howard Payne College, Burleson College, and Southwestern Baptist Theological Seminary, graduating in 1919, and

Whereas, On August 31, 1920, he married the former Edna Phelps of Greenville, Texas, who has been his partner in Christian service since such time; and together they reared a daughter, Mrs. David L. Fort, Dallas, Texas, and

Whereas, During his ministry Dr. Hutcherson served as pastor of the following churches:

Rocky Mound Baptist Church, Elkhart, Texas; Binford Baptist Church, Corrigan, Texas; Mercury Baptist Church, Brownwood, Texas; Southside Baptist Church, San Angelo, Texas; Quinland Baptist Church, Brownwood, Texas; West Paris Baptist Church, Paris, Texas; First Baptist Church, Cameron, Texas; Trinity Baptist Church, Houston, Texas.

Whereas, Dr. Hutcherson served as President of the University of Corpus Christi from February 1, 1947, to July 1, 1948, guiding this great institution in its service to the cause of Christian education, and

Whereas, Dr. Hutcherson later served as Assistant to the President of Baylor University from September 1, 1954, until his retirement in 1958, and

Whereas, from such time he has continued his service to churches through his association with the Broadway Plan, utilizing his vast storehouse of knowledge on church finance in assisting churches with their building and financial problems, and

Whereas, During all of his life Dr. Hutcherson has been a staunch supporter of the denominational life of Southern Baptists and is respected by the ministry and laity alike for his wisdom, dedication, and devotion to

the cause of the Christian ministry; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives, concurring, That the contribution of Edward Stephen Hutcherson to the State of Texas be acknowledged and recognized, and that he be extended sincere congratulations and best wishes for many more years of continued service to the people of this State through the Christian ministry.

The resolution was read.

On motion of Senator Grover and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 54

Senator Herring offered the following resolution:

S. C. R. No. 54, Inviting Captain James A. Lovell, Jr. to address Joint Session of Legislature.

Whereas, In recognition of the outstanding achievements in space by Navy Captain James A. Lovell, Jr.; and

Whereas, Captain Lovell was born in Cleveland, Ohio, on March 25, 1928; he attended the University of Wisconsin, then entered the U.S. Navy Academy where he graduated in 1952; he won his wings, held several Navy flying positions, and after graduating from the test-pilot school at Patuxent River, Maryland, he continued there as test pilot and program manager for the F4H airplane evaluation; he was then flight instructor at the Naval Air Station at Oceana, Virginia, when selected as astronaut in 1962; and

Whereas, His duties in the space program have included monitoring space suit development, and lunar and earth landing and recovering, and he has conducted scores of scientific, technological and operational experiments; and

Whereas, Captain Lovell made his first space flight as co-pilot on Gemini 7's 14 day, 206 orbit flight, which, after 11 days, made a successful rendezvous with Gemini 6 on December 15, 1965; and on November 11, 1966, Captain Lovell piloted Gemini 12, accompanied by Edwin E. Aldrin, Jr., on a 5 day space flight, and, dur-

ing which flight, Aldrin spent more than 5 hours outside the space capsule and was able to obtain valuable data, while Captain Lovell piloted Gemini 12; and

Whereas, Captain Lovell is married to the former Marilyn L. Gerlach of Milwaukee, Wisconsin, a very lovely lady, and they have four children, Barbara Lynn, James Arthur, Susan Kay and Jeffrey Carl; and

Whereas, This distinguished and brave citizen has served his country honorably and capably through his participation in Naval aviation, and as a leader in our space program, and because of his participation, the program has been advanced with great success; and

Whereas, It is the desire of the Senate of Texas, the House of Representatives concurring, to invite Captain James A. Lovell, Jr., to address a Joint Session of the 60th Legislature; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, that Captain James A. Lovell, Jr., be and is hereby invited to address a Joint Session of the 60th Legislature on May 3, 1967 at 12 noon.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 55

Senator Word offered the following resolution:

S. C. R. No. 55, Extending congratulations to Kenneth Don Gray on his outstanding achievement in professional football.

Whereas, On June 1, 1967, the citizens of Llano County, Texas, will pay tribute to their native son, KENNETH DON GRAY, as the Honor Guest to lead their Annual Rodeo Parade; and

Whereas, June 1, 1967, has been officially proclaimed to be "KEN GRAY DAY" by the Mayor of the City of Llano; and

Whereas, Ken Gray graduated from Llano High School in 1954, after an outstanding career in interscholastic athletics; and

Whereas, He earned the Bachelor of

Arts degree from Howard Payne College, Brownwood, Texas, where he distinguished himself as a student and athlete; and

Whereas, In 1958, he was an early draft choice of the Green Bay Packers Professional Football Team, and thereafter signed by The Chicago Cardinals, which team, two years later, became the famous and formidable St. Louis Football Cardinals, for whom Ken has completed his ninth distinguished season; and

Whereas, Ken Gray is recognized in professional football as one of the all-time great offensive right guards, having been an All-Pro Selection in the National Football League three consecutive years (1963, 1964 and 1965); All-Pro Eastern Division five years (1962, 1963, 1964, 1965 and 1966); Selected to play in the Pro-Bowl Game four years; Named to the National Association of Intercollegiate Athletes Hall of Fame in 1963, in which year he also received the Helms Athletic Foundation Hall of Fame Award; The Sporting News Award for selection to the National Football League's All-Star Team, and the John E. Wray Award for Outstanding Achievement in Sports by the St. Louis Chapter of the Baseball Writers Association of America in 1965; and

Whereas, Ken Gray and his beautiful wife, Shirley, have three fine children: a daughter, Sherry, aged 14, and two sons, Boyd Wayne, 10, and Timothy Shane, 6 months; and

Whereas, Ken Gray is a model young man who is All-Pro as a husband, a father, and as a citizen, and is held in affectionate esteem by his friends and in respectful admiration by his opponents; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That this Body hereby officially congratulate Kenneth Don Gray upon his outstanding achievements in the field of Professional Football, and that we join with his "home town", his friends and admirers throughout the country in honoring him on "KEN GRAY DAY", June 1, 1967.

The resolution was read.

On motion of Senator Word and by unanimous consent the resolution was

considered immediately and was adopted.

Senate Bill 438 With House Amendments

Senator Hazlewood called S. B. No. 438 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment 1

Amend the caption of S. B. No. 438 by inserting after the words "Revised Civil Statutes of Texas, 1925;" the following: "providing a severability clause;"

Committee Amendment 2

Amend S. B. No. 438 by renumbering "Section 2" as "Section 3" and inserting after Section 1 the following:

"Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares it would have passed such remaining portions despite such invalidity."

The House amendments were read.

Senator Hazlewood moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Hall

Senate Concurrent Resolution 56

Senator Brooks offered the following resolution:

S. C. R. No. 56, Authorizing the Enrolling Clerk of the Senate to make certain corrections in Senate Bill No. 210.

Whereas, Senate Bill No. 210 has been passed by both the Senate and the House and is now in the Senate Enrolling Room; and

Whereas, Certain minor corrections need to be made in the Bill; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Enrolling Clerk be and is hereby directed to correct the enrolled copy of Senate Bill No. 210 by changing Chapter No. 358 to read Chapter No. 193 wherever it appears in the Bill.

The resolution was read.

On motion of Senator Brooks and by unanimous consent the resolution was considered immediately and was adopted.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 1038, to the Committee on Legislative, Congressional and Judicial Districts.

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

H. B. No. 306, A bill to be entitled "An Act amending the Veterans Land Board—Veterans' Land Fund Act, being Chapter 318, Acts of the Fifty-first Legislature, Regular Session 1949, as amended, providing for the issuance and sale of Veterans' Land Bonds; providing for certain moneys, and lands to comprise the Veterans' Land Fund; providing for the repayments of the principal and interest, etc., and declaring an emergency."

H. B. No. 37, A bill to be entitled "An Act relating to interpreters for deaf and severely hard-of-hearing

persons taking state examinations; and declaring an emergency."

H. C. R. No. 95, Memorial resolution for the Honorable James A. Hairgrove.

Committee to Escort The Honorable Hubert Humphrey to the Joint Session

The President announced the appointment of the following as a committee to escort the Honorable Hubert Humphrey, Vice-President of the United States, to the Joint Session pursuant to the provisions of H. C. R. No. 92:

Senators Blanchard, Aikin, Ratliff, Reagan and Word.

Address of Lieutenant Governor Smith

Lieutenant Governor Preston Smith addressed the Senate as follows:

The Chair has a brief announcement about the appropriations bill.

In accordance with the Governor's suggestion of last Wednesday night, the Finance Subcommittee has been at work since that time on a one-year bill. This job will be finished in a few days.

The Senate already has a two-year appropriations bill. It has been approved by the Finance Committee and is on the calendar.

At the proper time it will become your duty to choose between these two bills.

We are all aware of certain advantages and disadvantages in following the course recommended by the Governor. We would be inviting a probably large—although not inevitably large—tax bill in 1968. We would be making it necessary to have a Special Session in 1968. We would be delaying the discharge of a responsibility that—as I have said before—could and should be met in this Regular Session.

On the other hand, the Governor's recommendations are persuasive at all times and particularly in the area of appropriations and taxes.

If the one-year route is followed by the Legislature, at least we will be free of new taxes for another year. Any tax bill in addition to the surpluses and unexpended balance made available for 1967-68 under this proposal would be unthinkable.

The one-year approach would make it possible to give Texas public school teachers a substantial salary increase.

And it would free funds for junior colleges and for state employee pay raises before the start of fiscal 1967. Both of these needs are in the emergency category. For that reason the Senate passed emergency bills early in the session. The House has not seen fit to act upon them. These proposals would be renewed under the one-year plan.

Finally, let me emphasize the obvious by reminding you that this is YOUR problem—the Legislature's problem. The Governor has discharged his duty under the Constitution; the torch now passes to the Legislative branch. It is a responsibility you cannot transfer or evade.

As your President I will do all I can to help speed the process of selection. Whatever your decision and its consequences, I will share them with you.

Committee Substitute Senate Bill 58 on Second Reading

Senator Creighton asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 58 for consideration at this time.

There was objection.

Senator Creighton then moved to suspend the regular order of business and take up C. S. S. B. No. 58 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Jordan
Bernal	Mauzy
Blanchard	Moore
Christie	Parkhouse
Cole	Ratliff
Creighton	Reagan
Hardeman	Strong
Hazlewood	Wade
Herring	Watson
Hightower	Word

Nays—9

Bates	Kennard
Berry	Patman
Brooks	Schwartz
Grover	Wilson
Harrington	

Absent

Connally

Absent—Excused

Hall

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 58, A bill to be entitled "An Act clarifying, revising, and amplifying civil and criminal laws relating to general, special, and primary elections held by the state, by counties, cities, and other political subdivisions of the state, and by political parties; amending certain existing sections of the Texas Election Code, reenacting certain sections to cure possible defects in the previous enactment of penal provisions, see Ex-parte Meyer, 357 S.W. 2d 754; repealing certain sections, and adding new sections, as follows: amending Section 1a (Article 1.01a, Vernon's Texas Election Code), relating to definitions; amending Section 3 (Article 1.03), relating to the duties of the Secretary of State as chief election officer of the state; amending Sections 5 and 6 (Articles 1.05 and 1.06), relating to ineligibility to be nominated for or elected or appointed to public office; amending Section 7 (Article 1.07), to delete the definition of "executive or administrative public office"; amending Subsection (g), Section 10 (Article 2.02), relating to formation and consolidation of election precincts; amending Paragraph (b), Section 12 (Article 2.04), relating to formation of election precincts by the commissioners court; amending Paragraph (a) and (b), Section 15 (Article 3.01), relating to appointment of election judges and clerks; amending Section 17 (Article 3.03), relating to qualifications of election judges, clerks and watchers; amending Section 21 (Article 3.07), relating to service, duties, and privileges of watchers; amending Section 22 (Article 3.08), relating to pay of election judges and clerks; adding Section 23a, relating to a school of instruction for election officers; amending Section 31 (Article 4.08), relating to the consequences of a tie vote; amending Section 32b (Article 4.11), relating to special elections for United States Representative; amending Section 32c (Article 4.12), relating to special elections for

members of the Legislature; amending Section 36 (Article 5.04), relating to an affidavit to be signed by all voters in a bond election or other election to lend credit, expend money, or assume debt, in lieu of the present requirement for a certified list of owners of duly rendered taxable property, and providing a criminal penalty for giving false information in the affidavit; amending Section 37 (Article 5.05), relating to absentee voting, by adding Subdivision 2b, relating to furnishing of absentee ballots and signing of the ballots by the clerk; by adding Subdivision 4c, relating to the period for absentee voting in certain elections; by amending Subdivision 3, relating to absentee voting by personal appearance and appointment of watchers therefor; by amending Subdivision 6, relating to counting of ballots in countywide elections; by amending Subdivision 11, to make certain changes in regard to posting names of absentee voters and inspection of applications for ballots, and to delete a criminal penalty which is in conflict with Article 241 of the Penal Code; and by amending Subdivision 17, relating to allocation of absentee and limited-ballot votes for determining precinct representation in county conventions; adding Section 37a, relating to voting by new residents of the state in presidential elections; adding Section 37b, relating to voting by former residents of the state in presidential elections; adding Section 37c, relating to voting by persons having less than six months residence in the county; adding Section 37d, relating to general provisions on voting by persons not meeting full residence requirements; amending Section 40 (Article 5.08), relating to rules for determining residence; amending Subsection (f), Section 58 (Article 6.02), relating to a criminal penalty for failing or refusing to require a loyalty affidavit; amending Section 61 (Article 6.05), relating to the form of the ballot; amending Section 61c (Article 6.05c), relating to the order of offices and names of candidates on the ballot; adding Section 62a, relating to write-in votes when the title of the office voted for is not on the ballot; amending Section 63 (Article 6.07), relating to the method of submission of constitutional amendments and other questions; amending Section 71 (Article 7.07), relating to the com-

position and duties of the county election board; amending Section 79 (Article 7.14), relating to voting machines, as follows: amending Section 14, relating to instructions for voters in the polls; amending Section 18, relating to procedures after the polls are closed, for recording the votes and reporting the results of the election; adding Section 80, relating to electronic voting systems; amending Section 84 (Article 8.02), relating to procedures preliminary to opening the polls at polling places where paper ballots are used; amending Section 101 (Article 8.19), relating to deposit and counting of ballots; amending Section 104 (Article 8.22), relating to the death, declination, or ineligibility of a nominee or candidate before an election; amending Section 105 (Article 8.23), relating to revealing information concerning the voting at an election before the polls are closed, and containing a criminal penalty; amending Section 109 (Article 8.27), relating to loitering, electioneering, and using a sound truck within certain distances of the polls, and stating a criminal penalty; reenacting Section 114 (Article 8.32), relating to time for delivery of returns and voted ballots to the county clerk, period for retention, and destruction of ballots, and containing a criminal penalty; amending Section 125 (Article 8.43), relating to certification to the Secretary of State of a list of county and precinct officers elected in each general election; adding Section 166a, relating to a recount of paper ballots in certain situations; amending Section 170a (Article 11.01a), relating to parties entitled to nominate presidential elector candidates; amending Section 179a (Article 13.01a), defining who are members of organized political parties and containing a criminal penalty; amending Section 182 (Article 13.04), relating to polling places of political parties in primary elections; amending Section 185a (Article 13.07a), relating to the deposit which must accompany the application of a candidate for a place on the ballot in a primary election; amending Section 186 (Article 13.08), relating to assessment of candidates by county executive committees to defray costs of primary elections; amending Section 186b (Article 13.08b), relating to refund of fees and assessments upon the death, declination, withdrawal, or

ineligibility of candidates in primary elections; amending Section 187 (Article 13.09), relating to the form of the primary ballot and limiting write-in votes; amending Subsections 2 and 3, and adding Subsection 2a, Section 190 (Article 13.12), relating to application for a place on the primary ballot, the effect of the death of a primary candidate, and the filing of lists of candidates; amending Subsections (1), and (2)(iii), Section 190a (Article 13.12a) and adding a new Subsection (8), relating to nomination and election to fill an unexpired term at the general election where the vacancy in office arises too late for making nominations by regular nominating procedures; amending Section 195 (Article 13.17), relating to the order of offices and names on the first and second primary election ballot; amending Section 196a (Article 13.18a), relating to composition and procedures of district and precinct executive committees; amending Section 196b (Article 13.18b), relating to certification, recording, and mailing of lists of the names of elected party officers; amending Section 201 (Article 13.23), relating to delivery of primary election ballots to the county clerk; amending Section 202 (Article 13.24), relating to making of returns and canvass of results of primary elections; amending Section 204a (Article 13.26a), relating to the effect of withdrawal of a candidate in the second primary; amending Section 205 (Article 13.27), relating to the canvass of primary election returns by the state executive committee; amending Section 212 (Article 13.34), relating to the composition and conduct of state, senatorial district, county, and precinct conventions; amending Section 217 (Article 13.39), relating to certificates of nomination; amending Section 218 (Article 13.41), relating to mandamus against party officers; amending Sections 222 and 224 (Articles 13.45 and 13.47), relating to nominations and conventions of parties receiving less than 200,000 votes for governor at the last preceding general election, and adding Section 222a, relating to regulation of party affairs and conventions of such parties; amending Subsections (b), (c), and (e), Section 233 (Article 13.56), relating to declination, death, or ineligibility of a party nominee before the general election; amending Section 235 (Arti-

cle 13.58), relating to election of delegates to national conventions of political parties; reenacting Section 242 (Article 14.06), relating to unlawful campaign expenditures and providing a criminal penalty; amending Subsections (b) and (h), reenacting Subsection (g), and adding Subsection (k), Section 244 (Article 14.08), relating to filing and contents of statements of campaign contributions and expenditures, forfeiture of place on ballot and criminal liability for noncompliance, and inspection and preservation of statements; amending Subsection (b), Section 246 (Article 14.10), relating to political advertising, and containing a criminal penalty; amending Article 240, Penal Code of Texas, 1925, relating to participation in primary elections or conventions of more than one political party; amending Article 259, Penal Code of Texas, 1925, relating to hiring of vehicles to convey voters to the polling place and removal of ballots from the polling place; amending Sections 32, 33, and 35, Article I, Texas Liquor Control Act (Articles 666-32, 666-33, and 666-35, Vernon's Texas Penal Code), relating to local option elections on the sale of alcoholic beverages, and adding Section 32½, Article I, Texas Liquor Control Act, relating to payment for the expense of holding such elections and providing a penalty for issuance of a petition for an election under certain circumstances; amending Articles 978, 1144, and 1158, Revised Civil Statutes of Texas, 1925, relating to city elections; amending Section 2, Chapter 467, Acts of the 59th Legislature, Regular Session, 1965 (Section 2, Article 978a, Vernon's Texas Civil Statutes), relating to joint city and school district elections; amending Section 1, Chapter 4, Acts of the 41st Legislature, 4th Called Session, 1930 (Article 1735a, Vernon's Texas Civil Statutes), relating to issuance of mandamus in connection with elections and political party conventions; repealing the following sections of the Texas Election Code: Section 63a (Article 6.08), Section 182A (Article 13.04A), Section 182b (Article 13.04b), Section 186c (Article 13.08c), and Section 217a (Article 13.40); repealing Chapters 9 and 10, Title 6 (Articles 270-280), Penal Code of Texas, 1925; repealing Section 36½, Article I, Texas Liquor Control Act (Article 666-36½, Vernon's Texas Penal Code),

repealing Chapter 44, Acts of the 52nd Legislature, 1951 (Article 3158a, Vernon's Texas Civil Statutes, and Article 3154(a), Revised Civil Statutes of Texas, 1925); providing for non-applicability of the Act to elections ordered before its effective date; and declaring an emergency."

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Amend the Committee Substitute for Bill No. 58 in the following respects:

(1) Amend Section 7 by inserting on Page 8, Line 43 of the bill, the words "in accordance with Section 79 of this code" between the word "use" and the following comma.

(2) Amend Section 8 by striking out the words "later than two hours after voting is concluded" on Page 11, Lines 36 and 37, and by inserting in lieu thereof the following: "subsequent to two hours after the official time for closing the polls or subsequent to two hours after voting is concluded by all voters offering themselves for voting during regular voting hours, whichever is the later."

(3) Amend Section 18 by striking out the words "Subdivision 11. The clerk shall post at a conspicuous place in his office," on Page 18, Lines 43 and 44, and by inserting in lieu thereof the following: "Subdivision 11. POSTING LIST OF ABSENTEE VOTERS; INSPECTION OF APPLICATIONS, ETC. The county clerk shall post at a conspicuous place in his main office, and each other clerk for absentee voting designated in accordance with Subdivision 1a of this section shall post at a conspicuous place in his office,".

(4) Add a new Section 18a, on Page 18 immediately following Line 57, to read as follows:

"Sec. 18a. Subdivision 14, Section 37 (Article 5.05), Texas Election Code, is amended to read as follows:

"Subdivision 14. BRANCH OFFICES FOR ABSENTEE VOTING BY PERSONAL APPEARANCE. (a) Absentee voting by personal appearance shall be conducted at each branch office of the county clerk which is regularly maintained for the performance of general clerical duties, during the full period of time for

which absentee voting by personal appearance is conducted at the main office.

"(b) In any town, other than the county seat, which has a population of four thousand or more inhabitants and does not have situated therein a regularly maintained general branch office of the county clerk, upon authorization of the commissioners court the county clerk may appoint a deputy clerk in such town for conducting absentee voting by personal appearance at a temporary branch office.

"(c) Any voter eligible to vote absentee by personal appearance in the main office of the clerk may vote in any branch office. The deputy clerk in charge of absentee voting at each branch office shall transmit to the clerk at the close of each day of absentee voting the names of all persons who have voted absentee in the branch office on that day, together with other necessary information as provided in Subdivision 11, for inclusion on the list of absentee voters posted in the main office. During the period for absentee voting by personal appearance, the applications and ballots of persons who have voted absentee may be retained in the branch office or may be delivered to the main office from time to time, but all applications and ballots shall be delivered to the main office not later than one o'clock p.m. on the third day prior to election day. Except as otherwise provided in this subdivision, the voting in a branch office shall be subject to the same regulations as the voting in the main office."

(5) Amend Section 20 by inserting on Page 19, Line 51, the words "at the main office of the clerk or at any regularly maintained general branch office" between the word "residence" and the following comma.

(6) Amend Section 20 by striking out the words "in the clerk's office" on Page 24, Line 4.

(7) Amend Section 39 by changing the period on Page 56, Line 47, to a comma and by inserting immediately thereafter the following language: "and the violator shall be punishable as provided in Article 240 of the Texas Penal Code."

(8) Amend Section 64 by inserting the words "and senatorial district" between the word "county" and the

word "conventions" on Page 74, Line 11, and by inserting the words "and the temporary chairman of each senatorial district convention" between the words "county chairman" and the word "in" on Page 74, Line 15.

(9) Amend Section 70 by striking out the words "a primary election" on Page 75, Line 41, and on Page 75, Line 43, and by inserting in lieu thereof in each instance the words "either a general primary election or a runoff primary election"; and by striking out the words "of one year beginning on the first day of March" on Page 75, Line 47, and by inserting in lieu thereof the words "for which each annual voter registration is effective".

(10) Amend Section 71 by striking out all of Lines 53 through 56, on Page 75, and by inserting in lieu thereof the following:

"Whoever hires any vehicle or hires any person to operate a vehicle for the purpose of conveying voters to the polling place, or rewards any person in money or other thing of value for procuring a vehicle or a driver for such purpose, shall be fined not exceeding five hundred dollars. This article shall not be construed to prohibit a voter from paying for the services of a vehicle or a driver for the purpose of conveying him to the polling place or to prevent him from allowing other voters to ride in the vehicle with him while he is going to the polling place in order to vote or returning therefrom after having voted.

"Whoever willfully removes any ballots from the polling place, except as permitted by law, shall be fined not exceeding five hundred dollars."

CREIGHTON
MAUZY

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend Section 21 of C. S. S. B. No. 58 as follows:

By striking out the last sentence of Paragraph (K) on Page 26, Lines 5 through 8, and by inserting in lieu thereof the following:

"However, a student who is over twenty-one years old shall have the choice of retaining the residence previously established or of acquiring a

residence at the place where he is living while attending school."

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—9

Bates	Mauzy
Bernal	Schwartz
Berry	Watson
Grover	Wilson
Harrington	

Nays—21

Aikin	Jordan
Blanchard	Kennard
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Hardeman	Strong
Hazlewood	Wade
Herring	Word
Hightower	

Absent—Excused

Hall

Question—Shall C. S. S. B. No. 58 as amended be passed to engrossment?

Motion to Recess

Senator Patman moved that the Senate take recess until 2:00 o'clock p.m. today.

Senator Mauzy moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Question first on the motion to adjourn until 10:30 o'clock a.m. tomorrow, the motion was lost.

Question next on the motion to take recess until 2:00 o'clock p.m. today, the motion was lost by the following vote:

Yeas—14

Blanchard	Hightower
Connally	Moore
Creighton	Parkhouse
Hazlewood	Patman
Herring	Ratliff

Reagan
Strong

Watson
Word

Nays—15

Aikin
Bates
Bernal
Berry
Brooks
Christie
Cole
Grover

Hardeman
Harrington
Jordan
Kennard
Mauzy
Schwartz
Wade

Absent

Wilson

Absent—Excused

Hall

Motion to Adjourn

Senator Schwartz moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Senator Watson raised the Point of Order that the motion was out of order since no business had been transacted since the previous motion to adjourn.

The President sustained the Point of Order.

Joint Session

(To hear address of the Honorable Hubert Humphrey, Vice-President of the United States)

The President announced the time had arrived to hear an address by The Honorable Hubert Humphrey, Vice-President of the United States, pursuant to the provisions of H. C. R. No. 92.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

On invitation of the Speaker of the House, the President occupied a seat on the Speaker's Platform.

The Honorable Hubert Humphrey, Vice-President of the United States, and party composed of Mrs. Hubert Humphrey, Governor and Mrs. Connally, Congressman and Mrs. Jack Brooks and Congressman Robert Eck-

hardt, were escorted to the Speaker's Rostrum by Senators Blanchard, Aikin, Ratliff, Reagan and Word, on the part of the Senate, and Representatives Heatly, Howard, Allen of Harris, Knapp, Mutscher, Rapp, Stroud, Wright, Bridges and Cummings, on the part of the House.

The President called the Senate to order, and announced a quorum of the Senate present.

Honorable Ben Barnes, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present and stated the purpose of the Joint Session.

The Speaker of the House presented His Excellency, the Honorable John Connally, Governor of Texas, and he introduced the Honorable Hubert Humphrey, Vice-President of the United States.

Vice-President Humphrey addressed the Joint Session as follows:

This is a very rare experience for me—to be able to stand here and look out over all these fine Texas faces. Of course, I have had considerable practice looking into Texas faces—sometimes, I get the feeling that whoever wrote "The Eyes of Texas" had me in mind. But what makes this experience so rare is that, at this time, I am doing the talking.

And I don't mind telling you: You may be in for it.

But you don't need to worry. The point has already been made. One of your fellow Texans reminded me this morning that Austin was once the home of William Sidney Porter who wrote the O. Henry stories—and he observed that O. Henry and I had much in common: O. Henry's stories always had surprise endings and in my speeches, the end is always a surprise, too.

I am happy to be in Texas once again. As you realize, one of the duties of a Vice-President is to visit the capitals of our friendly allies. Believe me, we are very grateful in Washington to have Texas on our side—that is, whenever you are.

I am pleased today to bring to the members of the Legislature warm personal greetings from the President of the United States. He is on a sad mission today to pay the last respects of our nation to one of the

great statesmen in the postwar world—a man who visited Austin six years ago this month—former Chancellor Konrad Adenauer of Germany. I know you join with me in grieving the death and saluting the life of this stalwart of freedom.

The President and the First Lady—what a wonderful image she has throughout this land—asked me to check on Luci while I was here. She's fine but her Secret Service men are getting circles under their eyes, staying up late to study Dr. Spock. It won't be much longer before Pat Nugent and I will have more in common than just our youth—we'll both be No. 2.

The President also asked me if I would stop by HEW and pick up this week's grants for Texas, so I could deliver them to Governor Connally. I did stop there, John, but the grants weren't ready—HEW was still tying around them. You can expect them in the mail—sometime during the next few months.

Seriously, it is a privilege—a personally moving privilege—to come to this historic chamber. Here, when this century was young, there began the public service of two of the great public men of our Republic: One was the wise and strong leader who served so faithfully his country and his party as Speaker of the House in Congress and went on to serve faithfully a great American President in the office I am now privileged to hold—John Nance Garner.

The other, of course, was the uncommon American who presided longer than any other American as Speaker of the House in Washington, a man whose influence for good still radiates over the conduct of our nation's affairs—Mr. Sam Rayburn.

You who serve here where these great men both served are inheritors of a proud legacy of public leadership and selfless devotion to the public good.

On occasion, I have heard some Texans of my acquaintance express regret—quietly and with restraint, of course—at how difficult it is for anyone from your state to achieve positions of influence at the national level. Certainly, I am sympathetic. Why, ever since Woodrow Wilson had three Texans in his cabinet, Texas has been held down. Since 1930, you have had only two attorney generals, only two speakers of the National

Congress, only two vice presidents.

Only two men born in Texas have been elected President in all that time. Why, right now in Congress, Texans are only chairmen of the Appropriations, Agriculture, Banking and Currency, Veterans Affairs and Administration Committees of the House.

Far be it from me to take away anything from Texas—certainly not while I am in this job. But I'll tell you, with a record like that, I wish some of those people, whoever they are, that are holding Texas down would get it in for Minnesota, too.

In the long course of history, this month of April has often been—as the poet once put it—the cruellest month. With nature at her loveliest, man has often chosen this season to show his ugliest.

Fifty years ago, our nation was brought into the conflict of the first World War. There have been other anxious Aprils for us and for the world since. But I am thinking now of April, 1941, when a young Congressman from Texas came to speak before this Legislature.

Here in these chambers—not as a member, but as a boy—that young Congressman had first learned the legislative processes sitting by the desk of his father. Only four years before, he had followed his father into public service—elected to represent this district in the Congress. For those four years he had worked. He had warred against poverty. He had led the effort to harness the Colorado and to place the poles and string the wires that would light the darkness in the homes of those Texas hills.

But on that April day—San Jacinto Day of 1941—he came home with another message. Standing here, as the clouds of war darkened over Europe and gathered over the Pacific, that young Congressman told this Legislature:

“IT IS LATER THAN WE
THINK.”

It was indeed, far, far later than many Americans would permit themselves to believe. I need not recite the tragic events that were so soon to come—nor need I remind you that the young Congressman was Lyndon Johnson.

In recounting this, I do not come to repeat now those words Lyndon Johnson spoke then—for the message

of this moment of ours is not the same as it was then for Americans.

The world of 1967 is not the same as the world of 1941.

And that is precisely the point I believe needs to be far better understood; both by our own people and by others in the world.

Twenty-six years ago—fifty and one hundred years ago—and back through history—peace has always had its enemies. But never has peace had its lasting protectors and defenders—never, until now in these postwar years.

The second World War brought home to all mankind—if not to all their leaders—the inescapable fact that we could not again pay the price of major war. It brought home the lesson that we could—and must—be always ready to pay the price for peace.

On the foundation of that decision, a new world has come into being—a world of new values, new relations, new aspirations. It is a world that renders obsolete the old dogmas of world dominion by the use of force.

In Viet Nam now, the struggle is essentially a struggle not between two doctrines, not between two cultures, not at all between East and West but, rather, a struggle between these old values and new.

And I say that it is the new world a-making—the new world with which this nation stands—that will prevail.

We have in our land many problems to be faced but I have heard President Johnson say, over and over, that for all the problems that beset his office, he would rather face those which come to him than those which come to any other leaders of any other government on earth.

I think sometimes this is a perspective in which we should think of the prospects and choices facing the men who have chosen to wage aggression in Viet Nam.

In the design of their aggression, they have followed the traditional precepts of their dogma. They have followed a design which in the past seemed to be a formula for success.

But they should—and must—recognize that times have changed.

Their war of so-called national liberation against South Viet Nam has not spread as their dogma tells them it should.

The peoples and the leaders of Asia are not turning toward that

doctrine nor are they bowing before it.

At the Manila Conference a few months past, the leaders of a new Asia chose confidently and courageously to cast their lot with the free world of the future.

And at Punta Del Este, just two weeks ago, there was again that same kind of choosing—that same kind of confidence—manifested by the Republics of this hemisphere.

I believe this message should now be clear to those who would follow the old patterns: it is later than they think.

In barely the span of a generation, a new world has been brought to being and we ourselves, in America, need to understand this better than we do.

In this world of the 1960's, unlike the world before, all but a fraction of humankind govern themselves for the first time.

In these 1960's, unlike the world before, men and nations are meeting together, planning together, working together on peaceful pursuits for the betterment of life on all this earth.

Never before in all the years man has lived on this earth has there been such a great commitment of resources to education, to agriculture, to the feeding of the hungry and the housing of the poor, to the creation of useful employment and to the elimination of debilitating disease. And we mean to do more.

Yes, my fellow countrymen, this is a new world—and it is in being in a very large measure because one nation, built by the blood of many diverse streams of man, has committed its strength to the role no nation ever before undertook: The role of seeking peace for mankind.

That nation is your nation—the United States of America.

And you can be proud today—prouder than ever before—to be Americans.

This is a point I want to make today.

The role America is occupying in the world today is a role destined for it inevitably by the very composition of our populace. For more than 100 years, there came to these shores men and women who were willing to sacrifice hearthside, family, heritage and possessions in search of peace.

Here in Central Texas—as much as any place in America—you re-

ceived those great waves of settlers from Germany and Poland and Czechoslovakia and Sweden—from Lebanon and Greece and Italy—from all the lands of the old world. Whatever their origins, they shared in common a hatred of war and a love of peace. And those beliefs have become a part of the heart of America—and of the policies the American Government has pursued under all our leaders.

There is no greater American commitment than the commitment to peace.

The strength of America is committed firmly in Viet Nam to protect the peace and to prevent the success of aggression.

I have been known, through my public life, as a Liberal.

I believe with all the fervor of my heart and life, that it would be a betrayal of American liberalism for America itself to betray the hopes and confidences our strength has kindled among the peoples of the poverty-stricken, emerging two-thirds of this world.

The impulse that has propelled this nation toward greatness is that generous impulse of responsible and compassionate liberalism that marked the service of the young Congressman who spoke here twenty-six years ago.

Yes, we have at home great moral responsibilities to fight for equal opportunity for all (as you are fighting for equal opportunity for Negro Americans and Mexican Americans) . . . to break the shackles of poverty . . . to combat crime and steady the even scales of justice.

But what would be the morality of a nation which devoted its riches only to itself, or regarded freedom in one part of the world as less precious than in another?

The world today is not the same as a generation ago.

Nor is this the same America.

Our challenges, as well as our opportunities, are of a new order of magnitude . . . a new order of complexity . . . above all, a new order of promise.

In our public affairs, we must respond with originality. The old rhetoric, the old slogans, the old vocabularies of the past do not serve us now.

We can and we must lay aside the rhetoric of division—of workman

against management, of labor against capital and capital against farmer, of haves and have-nots, of races and religions and regions. These divisions, kept alive within our politics, do not serve this society in which we see these divisions fading every day.

The great tradition of the public men of this great state—the tradition of the Garners and the Rayburns and the Lyndon Johnsons—is a tradition of channeling diversity into progress.

Texas—part East, part West, part North, part South, rich in the past and richer in the future—occupies a role unique in our nation.

It is your opportunity as Texans to lead, by your example, toward the creative and constructive relationship with the National Government that will give America the strength she shall need for the tasks ahead in the last third of this century.

Thirty years ago, Franklin Delano Roosevelt, with John Garner at his side, turned this nation toward a new course of hope and opportunity for all its citizens.

We have moved forward on that course. And we are succeeding.

Now, we face an even greater task.

Wherever we serve—Courthouse, Statehouse or White House—we who serve the American people know today that we do not serve this land alone.

For now, as when our Republic began, the cause of America is, as Tom Paine put it, the cause of all mankind.

Where peace has its enemies, we shall meet them and we shall prevail.

Where hope flowers among men, we shall shelter it and tend it and encourage it to grow so that mankind shall stand to his full height and know the dignity and the freedom intended for him by his Maker.

At the conclusion of the address, the Speaker expressed appreciation to the Vice-President for coming to address this Joint Session and for his address of "hope, courage and determination."

The Speaker then presented Mrs. Humphrey and Mrs. Connally, Congressman and Mrs. Jack Brooks, Congressman Robert Eckhardt and Mr. and Mrs. Pat Nugent, the daughter of President and Mrs. Johnson to the Joint Session.

The President expressed appreciation to the Vice-President for his address today and wished him "best wishes and God's speed."

The President then stated that the purpose of the Joint Session having been concluded, the Senate would retire to its Chamber.

In Legislative Session

The President called the Senate to order as In Legislative Session at 1:13 o'clock p.m.

Recess

On motion of Senator Watson, the Senate at 1:14 o'clock p.m. took recess until 3:00 o'clock p.m. today.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the motion to recess.

After Recess

The President called the Senate to order at 3:00 o'clock p.m. today.

Leaves of Absence

Senator Jordan was granted leave of absence for the remainder of today on account of important business on motion of Senator Word.

Senator Schwartz was granted leave of absence for the remainder of today on account of important business on motion of Senator Word.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 379, A bill to be entitled "An Act authorizing the Texas Department of Mental Health and Mental Retardation to provide services for widows of Confederate soldiers and sailors in licensed nursing homes; and declaring an emergency."

S. B. No. 525, A bill to be entitled "An Act amending Sections 1, 5, 6, 7, and 11 of H. B. No. 230, Chapter 272, Acts of the 52nd Legislature, Regular Session, 1951 (Art. 2815t, V.T.C.S.); providing that construction of any buildings, the prescribing of courses of study and degree of-

ferings, and the date of beginning of courses of instruction, shall be approved by the Coordinating Board, Texas College and University System; providing a repealing clause; providing a severability clause; and declaring an emergency."

S. B. No. 369, A bill to be entitled "An Act relating to fees for services provided by community centers; requiring county attorneys to file suit on behalf of such centers to collect for services; amending Section 3.14, chapter 67, Acts of the 59th Legislature, Regular Session (codified as Section 3.14, Article 5547-203, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 396, A bill to be entitled "An Act authorizing issuance to certain associations of teachers or school administrators of group insurance policies covering any class or classes of their members and members' dependents for one or more of the risks herein enumerated; providing that such policies may be issued to any such association as the policyholder upon the terms and conditions set out in this act, notwithstanding contrary or inconsistent provisions in any other act contained; and declaring an emergency."

S. B. No. 199, A bill to be entitled "An Act amending Article 11.19 of the Insurance Code of the State of Texas, same being Acts of 1951, 52nd Legislature, Regular Session, Chapter 491, Page 868, as amended, codified as the Insurance Code, Vernon's Texas Civil Statutes, so as to add reference to Articles 11.20 and 11.21 of such Code; to amend such Code so as to add Article 11.20 thereto so as therein to enable mergers and consolidations of mutual life insurance companies, etc., and declaring an emergency."

Senate Resolution 461

Senator Watson offered the following resolution:

Whereas, On April 25, 1967, ceremonies inaugurating Mary Hardin-Baylor College's 18th president during its 122-year history will be held when Leonard L. Holloway is officially installed; and

Whereas, The new president heads one of the oldest higher educational institutions in the State of Texas,

a college which received its charter, bearing the signature of President Anson Jones, from the Republic in 1845; and

Whereas, Chartered by the Ninth Congress at Independence in Washington County, the school was named for Judge R. E. B. Baylor, who, with James Huckins and William M. Tryon, laid out plans for a coeducational institution as early as 1839; and

Whereas, In 1851, the institution was separated into two schools, a Male Department and a Female College, both still at Independence, but in 1865, the Baptist State Convention provided for separation of the schools and the girls' department became known as Baylor Female College; the school moved to its present site at Belton in 1886, and the men's branch became Baylor University at Waco; and

Whereas, Throughout its long and illustrious history, Mary Hardin-Baylor College has achieved recognition and high scholastic standing under the leadership of outstanding presidents, and Mr. Holloway brings to the college a background of educational experience in the same tradition of excellence; and

Whereas, He is highly qualified both as an administrator and as a teacher: immediately preceding his acceptance of the Mary Hardin-Baylor position, he served as vice president and member of the faculty at New Orleans Baptist Theological Seminary and, earlier, was vice-president of Southern Baptist Theological Seminary at Louisville, Kentucky; and

Whereas, Mr. Holloway was a member of the faculty and staff at Wayland College when recalled to active military duty during the Korean conflict, and at one time served on the faculty and staff at Texas Woman's University; he was a lecturer for Air Force Reserve courses on administrative management and economics on the Southern Methodist University campus in Dallas from 1954-1959; and

Whereas, In addition to his broad educational background, he has served as director of public relations with administrative responsibilities for the Baptist General Convention of Texas; he was vice-president of the H. E. Butt Foundation and consultant with offices in Corpus Christi, Texas; and

Whereas, Mr. Holloway received his

B.A. degree from Oklahoma Baptist University, and his M.A. degree in communications from the University of Oklahoma; he has written several booklets, pamphlets and numerous articles on communications and lay witnessing; he has been editor of laymen's publications and trade journals, and for five years was director for annual Laymen's Leadership Institute; and

Whereas, During World War II, he flew combat missions in Europe and also served as a public relations officer; he was awarded the Air Medal with clusters, the Distinguished Flying Cross and several combat and other medals, ribbons, and battle stars; and

Whereas, Mr. Holloway is a native of Ada, Oklahoma, is married and has two children, Shalia Kay, age 13, and Jamie Lynn, age 7; and

Whereas, It is appropriate that the Senate of Texas extend greetings to Leonard L. Holloway, the new President of Mary Hardin-Baylor College, on the occasion of his inauguration as 18th president of this fine college for young women; now, therefore, be it

Resolved, That the Senate of the 60th Legislature by this Resolution congratulate Mary Hardin-Baylor College and its new president, Leonard L. Holloway, on the occasion of the inaugural ceremonies officially installing President Holloway in office; and, be it further

Resolved, That a copy of this resolution, under the Seal of the Senate, be prepared for Mr. Holloway as an expression of good wishes to him and to Mary Hardin-Baylor College, which has served so well in educating the young women of Texas for the 122 years of its existence.

WATSON

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Wilson, Word.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and all

Senators were added to the resolution as signers thereof.

The resolution was then adopted.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 90, to Committee on Jurisprudence.

H. B. No. 559, to Committee on Labor and Management Relations.

H. B. No. 676, to Committee on Insurance.

H. B. No. 749, to Committee on Banking.

House Bill 559 Re-referred

On motion of Senator Bates and by unanimous consent H. B. No. 559 was withdrawn from the Committee on Labor and Management Relations and re-referred to the Committee on Public Health.

Committee Substitute Senate Bill 58 on Second Reading

The Senate resumed consideration of the pending business (same being C. S. S. B. No. 58 on its second reading and passage to engrossment).

Question—Shall C. S. S. B. No. 58, as amended, be passed to engrossment?

Senator Mauzy offered the following amendment to the bill:

Amend Section 21 of C. S. S. B. No. 58 in the following respects:

(1) by striking out the words "and such person shall not be considered to have acquired a residence unless he intends to remain there and to make that place his home indefinitely, both during the remainder of his military service whenever military duties do not require his presence elsewhere, and after his military service is terminated" in Paragraph (j) on Page 25, Lines 45 through 50, and by inserting in lieu thereof the following: "but a person in military service who is over twenty-one years old shall have the choice of retaining the residence previously established or of acquiring a residence at the place

where he is living while performing his military duties".

The amendment was read and failed of adoption.

Record of Votes

Senators Christie, Wilson, Hightower, Harrington and Bernal asked to be recorded as voting "Yea" on the adoption of the above amendment.

Senator Mauzy offered the following amendment to the bill:

Amend Section 15 of the Committee Substitute for Senate Bill No. 58 by striking out the words "felony punishable by a fine not to exceed five thousand dollars or by imprisonment in the penitentiary not to exceed five years, or by both such fine and imprisonment" on Page 15, Lines 42 through 45, and on Page 16, Lines 29 through 31, and by inserting in lieu thereof in each instance the following: "misdemeanor punishable by a fine not to exceed one thousand dollars or by confinement in the county jail for not more than six months, or by both such fine and confinement".

The amendment was read and failed of adoption.

Senator Bates offered the following amendment to the bill:

Amend substitute Senate Bill 58 by deleting all of Section 30, and re-numbering the following sections as required for continuity.

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote:

Yeas—14

Bates	Harrington
Bernal	Hazlewood
Berry	Kennard
Brooks	Patman
Cole	Watson
Grover	Wilson
Hardeman	Word

Nays—13

Aikin	Creighton
Christie	Herring
Connally	Hightower

Mauzy
Moore
Parkhouse
Ratliff

Reagan
Strong
Wade

Present—Not Voting

Blanchard

Absent—Excused

Hall
Jordan

Schwartz

On motion of Senator Creighton and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Committee Substitute Senate Bill 58 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 58 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Ratliff
Cole	Reagan
Connally	Strong
Creighton	Wade
Grover	Watson
Hardeman	Wilson
Harrington	Word
Hazlewood	

Nays—1

Patman

Absent—Excused

Hall
Jordan

Schwartz

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Creighton offered the following amendment to the bill:

Amend Floor Amendment No. 1, by striking the words "Section 8" in Subsection (2), and substituting in lieu thereof the words "Section 11".

The amendment was read and was adopted by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Hall
Jordan

Schwartz

The bill (C. S. S. B. No. 58) as amended was finally passed.

Senate Bill 468 With House Amendments

Senator Moore called S. B. No. 468 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment 1

Amend S. B. No. 468 by striking the period at the end of the last section and adding the following:

"and that this Act shall take effect and be in force from and after its passage and it is so enacted."

Amendment 2

Unanimous consent granted to amend captions, where necessary, on all Senate Bills on Consent Calendar.

The House amendments were read.

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Hall	Schwartz
Jordan	

Senate Bill 33 With
House Amendments

Senator Word called S. B. No. 33 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment 1

Amend S. B. No. 33 by inserting the words "not less than" between the words "then" and "sixty days" on Line 18 of Page 2 of the printed bill.

Committee Amendment 2

Amend S. B. No. 33 by adding the following paragraph to Article 4617:

"In the exercise of its equity powers the court may impose such conditions and restrictions as it deems necessary to protect the rights of the other spouse; the court may require a bond conditioned on faithful administration of the proceeds or may require that all or a portion of the proceeds be paid into the registry of the court to be disbursed in accordance with the court's further directions.

Committee Amendment 3

Amend S. B. No. 33 by inserting the words "not less than," between the words "then" and "sixty days" on Line 3 of Page 3 of the printed bill.

Committee Amendment 4

Amend S. B. No. 33 by inserting

the words "not less than," between the words "then" and "sixty days" on line 19 of Page 3 of the printed bill.

Committee Amendment 5

Amend S. B. No. 33 by striking the following language in Article 4621:

"the sole management, control and disposition of the husband."

And inserting in lieu thereof the following:

"the joint management, control and disposition of the husband and wife."

Committee Amendment 6

Amend S. B. No. 33 by deleting Article 4623 which appears on Lines 10 through 13 on Page 4 of the printed bill.

Committee Amendment 7

Amend Senate Bill No. 33 by inserting after Section 4 of the printed bill a new section to read as follows, and by renumbering the remaining sections accordingly, to-wit:

Section 5. Article 5460, Revised Civil Statutes of Texas, 1925 is amended to read as follows:

"Article 5460. When material is furnished, labor performed, or improvements as defined in this title are made, or when erections or repairs are made upon homesteads, if the owner thereof is a married man or woman, then to fix and secure the lien upon the same it shall be necessary for the person or persons who furnish the material or perform the labor, before such material is furnished or such labor is performed, to make and enter into a contract in writing, setting forth the terms thereof, which shall be signed and acknowledged by both the husband and wife. And such contract shall be recorded in the office of the county clerk in the county where such homestead is situated, in a well bound book to be kept for that purpose. When such contract has been made and entered into by the husband and wife and the contractor or builder, and the same has been recorded, as heretofore provided, then the same shall inure to the benefit of any and all persons who shall furnish material or labor thereon for such contractor or builder."

The House amendments were read.

Senator Word moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Word, Hardeman, Blanchard, Ratliff and Bates.

Senate Bill 365 With House Amendments

Senator Bates called S. B. No. 365 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment 1

Amend Section 1 of S. B. No. 365 to read as follows:

Section 1. The governing boards of Texas Technological College, Pan American College and the University of Texas System are severally authorized and empowered to construct, acquire, extend, improve, and equip a utility plant, when the total cost, type of construction, capacity, and plans and specifications therefor have been approved by the authorizing governing board. It is expressly provided that as used herein the term "utility plant" does not include electrical generating facilities, except as expressly authorized herein at and for the University of Texas at Austin, Texas.

Committee Amendment 2

Amend Section 3 of Senate Bill 365 by striking the first sentence of said section and substituting the following sentence therefor:

"Each such board is authorized to furnish chilled water, domestic hot water, cold water, and steam, or any of such services, from any such utility plant, and the governing board of The University of Texas System is

authorized to furnish electricity from any such utility plant now located at The University of Texas at Austin only, to any or all buildings and facilities as may have been or may be constructed at its institution or institutions, and to determine the amounts to be charged and allocated to such buildings and facilities as the cost of furnishing such services, but no such board shall furnish electricity from any such utility plant except as expressly authorized herein."

Committee Amendment 3

Amend Senate Bill 365 by adding the words "or plants" following the word "plant" where it appears in the following sections:

- (1) In line 4 of the caption of said bill.
- (2) In line 4 of Section 1 of said bill.
- (3) In line 2 of Section 2 of said bill.
- (4) In lines 3, 10, and 12 of Section 3 of said bill.
- (5) In line 3 of Section 10 of said bill.

Committee Amendment 4

Amend Committee Amendment No. 2 to Senate Bill 365 by striking the word "now" in the first sentence of said amendment, same being in the fourth line immediately before the word "located."

Amendment 1

Amend the caption of S. B. No. 365 by inserting the words "West Texas State University," after the comma following the words "Pan American College."

Amendment 2

Amend Section 1 of S. B. No. 365 by inserting the words "West Texas State University," after the comma following the words "Pan American College."

Amendment 3

Amend Section 10 of S. B. No. 365 by inserting the words "West Texas State University," after the comma following the words "Pan American College."

The House amendments were read.

Senator Bates moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Hall	Schwartz
Jordan	

House Bill 652 Re-referred

On motion of Senator Hightower and by unanimous consent H. B. No. 652 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Public Health.

Senate Bill 573 on First Reading

By unanimous consent, the following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Strong:

S. B. No. 573, A bill to be entitled "An Act relating to the salary of the assistants to the county superintendent in certain counties; and declaring an emergency."

To the Committee on Education.

Senate Bill 543 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 543, A bill to be entitled "An Act relating to exempting certain manufacturers, distributors and jobbers of fireworks from certain city ordinances; adding Section 14a to Chapter 498, Acts of the 55th Legisla-

ture, Regular Session, 1957 (Article 1725, Vernon's Texas Penal Code); and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 543 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 543 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Strong
Creighton	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Nays—1

Grover

Absent

Parkhouse

Absent—Excused

Hall	Schwartz
Jordan	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Harrington
Bates	Hazlewood
Bernal	Herring
Berry	Hightower
Blanchard	Kennard
Brooks	Mauzy
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Hardeman	Strong

Wade
WatsonWilson
Word

Nays—1

Grover

Absent

Parkhouse

Absent—Excused

Hall
Jordan

Schwartz

Senate Bill 364 on Second Reading

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 364, A bill to be entitled "An Act relating to the appointment of public weighers; amending Articles 5681, 5683, 5685, 5687, 5692, and 5702, Revised Civil Statutes of Texas, 1925, as amended, and repealing Article 5682; and declaring an emergency."

The bill was read second time.

Senator Cole offered the following amendment to the bill:

Amend S. B. No. 364 by deleting the second sentence of quoted Article 5692, appearing on Line 16, Page 2.

The amendment was read and was adopted.

On motion of Senator Cole and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Reagan and Watson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 364 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 364 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Strong
Grover	Wade
Hardeman	Wilson
Harrington	Word

Nays—2

Reagan Watson

Absent—Excused

Hall Schwartz
Jordan

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Strong
Creighton	Wade
Grover	Wilson
Hardeman	Word
Harrington	

Nays—3

Ratliff Watson
Reagan

Absent—Excused

Hall Schwartz
Jordan**Motion to Place****Senate Bill 222 on Second Reading**

Senator Cole asked unanimous consent to suspend the regular order of business and take up S. B. No. 222 for consideration at this time.

There was objection.

Senator Cole then moved to suspend the regular order of business and take up S. B. No. 222 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—15

Bates	Herring
Bernal	Hightower
Berry	Kennard
Brooks	Ratliff
Christie	Reagan
Cole	Wade
Creighton	Watson
Grover	

Nays—11

Aikin	Parkhouse
Blanchard	Patman
Connally	Strong
Hardeman	Wilson
Harrington	Word
Mauzy	

Absent

Hazlewood	Moore
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Absent—Excused

Hall	Schwartz
Jordan	

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1087, A bill to be entitled "An Act regulating the business conduct of painting contractors; creating a regulatory board and prescribing its membership, duties, and procedures; requiring a Painting Contractor's License; providing a penalty; and declaring an emergency."

S. C. R. No. 55, Congratulating Kenneth Don Gray.

S. C. R. No. 53, Congratulating Dr. Edward Stephen Hutcherson.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 334 on Second Reading

Senator Bernal asked unanimous consent to suspend the regular order of business and take up S. B. No. 334 for consideration at this time.

There was objection.

Senator Bernal then moved to suspend the regular order of business and take up S. B. No. 334 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Strong
Creighton	Wade
Grover	Watson
Hardeman	Wilson

Nays—5

Blanchard	Reagan
Harrington	Word
Mauzy	

Absent

Hazlewood

Absent—Excused

Hall	Schwartz
Jordan	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 334, A bill to be entitled "An Act concerning county law libraries, amending Section 1, Chapter 192, Acts of the 48th Legislature, 1943, as amended (Article 1702a-1, Vernon's Texas Civil Statutes); providing for a cost increase on civil cases to benefit the county law library fund; and declaring an emergency."

The bill was read second time.

Senator Cole offered the following amendment to the bill:

Amend S. B. No. 334 by deleting the period after the first sentence in quoted Section 1 and adding the following:

“; except that in each county having fifteen (15) or more District Courts, including Criminal District Courts, the sum shall be fixed by the Commissioners Court, not to exceed Two Dollars and Fifty Cents (\$2.50).”

The amendment was read and was adopted.

On motion of Senator Bernal and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 334 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 334 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Hall	Schwartz
Jordan	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Cole
Bates	Connally
Bernal	Creighton
Berry	Grover
Blanchard	Hardeman
Brooks	Harrington
Christie	Hazlewood

Herring	Ratliff
Hightower	Reagan
Kennard	Strong
Mauzy	Wade
Moore	Watson
Parkhouse	Wilson
Patman	Word

Absent—Excused

Hall	Schwartz
Jordan	

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 148, A bill to be entitled “An Act amending Article 7467c, Revised Civil Statutes of Texas, 1925, being the article authorizing the granting of seasonal and temporary permits to appropriate water, by limiting to three years the period of time for which a temporary permit may be granted; and declaring an emergency.”

S. B. No. 385, A bill to be entitled “An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including Home-Rule cities) or towns; etc., and declaring an emergency.”

Senate Bill 97 Laid On Table

On motion of Senator Bates and by unanimous consent S. B. No. 97 was Laid on the Table.

Senate Bill 129 Laid On Table

On motion of Senator Christie and by unanimous consent S. B. No. 129 was Laid on the Table.

Senate Bill 128 Laid On Table

On motion of Senator Christie and by unanimous consent S. B. No. 128 was Laid on the Table.

Report of Standing Committee

Senator Cole by unanimous consent submitted the following report:

Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Ed-

ucation to which was referred S. B. No. 573, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.
BLANCHARD
REAGAN

Senate Bill 413 With House Amendment

Senator Creighton called S. B. No. 413 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment 1

Amend S. B. No. 413 by striking all of Section 1 and substituting in lieu thereof the following:

"Section 1. This Act shall be applicable to any city which has outstanding refunding bonds adjudicated to be valid by a decree of the Federal Court, or issued pursuant to a plan of composition confirmed by a United States District Court under the National Bankruptcy Laws, where the ordinance authorizing the issuance of such refunding bonds provides that not less than a fixed rate of tax therein specified shall be levied, assessed and collected each year so long as any of such bonds or interest thereon are outstanding. Such bonds are herein called 'Original Refunding Bonds'."

The House amendment was read.

Senator Creighton moved that the Senate concur in the House amendment.

The motion prevailed.

Senate Bill 573 Ordered Not Printed

On motion of Senator Strong and by unanimous consent S. B. No. 573 was ordered not printed.

Senate Bill 477 on Second Reading

Senator Watson asked unanimous consent to suspend the regular order of business and take up S. B. No. 477 for consideration at this time.

There was objection.

Senator Watson then moved to suspend the regular order of business and take up S. B. No. 477 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Moore
Blanchard	Parkhouse
Christie	Patman
Cole	Reagan
Creighton	Strong
Grover	Watson
Hardeman	Wilson
Harrington	Word
Hazlewood	

Nays—2

Mauzy	Ratliff
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Present—Not Voting

Brooks

Absent

Connally	Wade
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Absent—Excused

Hall	Schwartz
Jordan	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 477, A bill to be entitled "An Act to add to the Insurance Code (Acts of 1951, 52nd Legislature, Chapter 491) a new article providing that insurance companies, as defined herein, may be placed under supervision if, upon an examination or at any other time, it appears to the Commissioner of Insurance that any such insurance company be insolvent, or its condition be, in the opinion of the Commissioner, such as to render the continuance of its business hazardous to the public, or to holders of its policies or certificates of insurance, etc., and declaring an emergency."

The bill was read second time.

Senator Watson offered the following Committee Amendment to the bill:

Amend S. B. No. 477 by striking out all of the same below the enacting clause and substituting in lieu thereof the following:

"Section 1. That there be added to the Insurance Code of Texas, Acts 1951, 52nd Legislature, Chapter 491, as amended, a new article to be numbered Article 21.28-A which shall read as follows:

"Art. 21.28-A. Supervision, Conservatorship, Liquidation.

"Section 1. PURPOSE. It is the sense of the Legislature that extant provisions of law are not adequate or appropriate under all circumstances respecting the financial condition and the management of certain insurers, and the Legislature finds that in some instances the placing of an insurer in receivership destroys, among other things, one or more of the following: the value of its insurance account, its value as a going concern, its agency force, and other valuable assets, all or any of which should be preserved, if the circumstances of the insurer's financial condition warrant an attempt to conserve or rehabilitate such insurer through the facility of supervision and conservatorship by the State Board of Insurance. It is the purpose of this act to vest authority in the Commissioner of Insurance and the State Board of Insurance whereby action may be taken to attempt to rehabilitate or conserve insurers and avoid, if possible, the necessity of receivership. In the event that rehabilitation is not accomplished, it appears that an attempt to avoid the necessity of receivership by supervision and conservatorship, even though rehabilitation is not accomplished, will result in considerably more of the assets of the insurer being subject to preservation and higher value in their ultimate disposition for the benefit of policyholders and creditors, and the purpose of this act is to provide the chance to make these desirable results obtainable under the facility provided by this law before insurers become hopelessly insolvent or their assets are dissipated.

"A: If, upon an examination or at any other time, it appears to the Commissioner of Insurance that any insurance company be insolvent, or its condition be, in the opinion of the Commissioner, such as to render the continuance of its business hazardous

to the public, or to holders of its policies or certificates of insurance, or if such company appears to have exceeded its powers, as defined herein, or failed to comply with the law, or if such insurance company gives its consent, as defined herein, then the Commissioner of Insurance shall: (i) notify the insurance company of his determination, and (ii) furnish to the insurance company a written list of the Commissioner's requirements to abate his determination; and said insurance company shall have thirty (30) days under the supervision of the Commissioner of Insurance within which to comply with the lawful requirements of the Commissioner of Insurance, and in the event of its failure to comply within such time, the Commissioner of Insurance, acting for himself, or through a Conservator appointed by the Commissioner of Insurance for that purpose, shall immediately, after due and proper notice and hearing, take charge of the insurance company, and all of the property and effects thereof.

"B. Definitions. As used in this act, the following terms, unless otherwise clearly indicated by the context, have the meanings as specified below:

"(1) 'Insurance Company'—the words 'insurance company' as herein used are defined as any type of company, organization, person, or association acting as an insurer, including stock companies, reciprocals or inter-insurance exchanges, Lloyds associations, fraternal benefit societies, stipulated premium companies, and mutual companies of all kinds, including state-wide mutual assessment corporations, local mutual aids, burial associations, and county mutual insurance companies and farm mutual insurance companies.

"(2) 'Insolvent' or 'Insolvency,' or 'its condition be, in the opinion of the Commissioner, such as to render the continuance of its business hazardous to the public or to holders of its policies or certificates of insurance' as used in this Act mean and include, but are not limited to the following:

"(a) when an insurance company's required surplus, capital, or capital stock is impaired to an extent prohibited by law, or

"(b) when an insurance company continues to write new business when it is not possessed of the surplus,

capital, or capital stock which is required of it by law to permit it to do so, or

"(c) the business of any such insurance company is being conducted fraudulently, or

"(d) any such insurance company attempts to dissolve or liquidate without first having made provisions, satisfactory to the Commissioner of Insurance, for liabilities arising from policies of insurance issued by such company.

"(3) "Exceeded its Powers" shall include and mean, but not be limited to the following:

"(a) an insurance company has refused to permit examination of its books, papers, accounts, records, or affairs by the Commissioner of Insurance, his deputy, or duly commissioned examiners; or if any insurance company, organized in the State of Texas, has removed from the State such books, papers, accounts or records necessary for an examination of such insurance company, or

"(b) an insurance company has failed to promptly answer inquiries authorized by Article 1.24 of this Code, or

"(c) an insurance company has neglected or refused to observe an order of the Commissioner to make good, within the time prescribed by law, any prohibited deficiency in its capital, capital stock, or surplus, or

"(d) an insurance company without first having obtained written approval of the Commissioner has by contract or otherwise: (i) totally reinsured its entire outstanding business, or (ii) merged or consolidated substantially its entire property or business with another insurer, or

"(e) any insurance company is continuing to write business after its license has been revoked or suspended.

"(4) "Consent," as used in this Act, shall include and mean agreement to either supervision or conservatorship and may be given by the insurance company.

"C. Prohibited Acts During 30-Day Period of Supervision. During the period of supervision, the Commissioner may appoint a Supervisor to supervise such insurance company and may provide that the insurance company shall not do any of the following things, during the period of supervision, without the prior approval of the Commissioner or his Supervisor:

"(1) Dispose of, convey or encumber any of its assets or its business in force;

"(2) Withdraw any of its bank accounts;

"(3) Lend any of its funds;

"(4) Invest any of its funds;

"(5) Transfer any of its property;

"(6) Incur any debt, obligation or liability;

"(7) Merge or consolidate with another company; or

"(8) Enter into any new reinsurance contract or treaty.

"The Liquidator of the State Board of Insurance, or his duly appointed deputy, may be appointed to serve as the Supervisor.

"D. Conservatorship or Liquidation. If, after notice, and after hearing, at the conclusion of said thirty (30) day period, it is determined that such insurance company has failed to comply with the lawful requirements of the Commissioner; or upon consent by an insurance company, the Commissioner may appoint a Conservator, who shall immediately take charge of such insurance company and all of the property, books, records, and effects thereof, and conduct the business thereof, and take such steps toward the removal of the causes and conditions, which have necessitated such order, as the Commissioner may direct. During the pendency of conservatorship, the Conservator shall make such reports to the Commissioner from time to time as may be required by the Commissioner, and shall be empowered to take all necessary measures to preserve, protect, and recover any assets or property of such insurance company, including claims or causes of action belonging to or which may be asserted by such insurance company, and to deal with the same in his own name as Conservator, and shall be empowered to file, prosecute and defend any suit or suits which have been filed or which may thereafter be filed by or against such insurance company which are deemed by the Conservator to be necessary to protect all of the interested parties or any property affected thereby. If at the time of appointment of a Conservator or at any time during the pendency of such conservatorship it appears that the interest of the policyholders or certificate holders of such insurance company can best be protected by reinsuring the same, the Conservator may, with the approval of or at the direc-

tion of the Commissioner: (1) reinsure all or any part of such insurance company's policies or certificates of insurance with some solvent insurance company authorized to transact business in this State, and (2) to the extent that such insurance company in conservatorship is possessed of reserves attributable to such policies or certificates of insurance, the Conservator may transfer to the reinsuring company such reserves or any portion thereof as may be required to consummate the reinsurance of such policies, and any such reserves so transferred shall not be deemed a preference of creditors.

"The Liquidator of the State Board of Insurance, or his duly appointed deputy, may be appointed to serve as the Conservator.

"If the Commissioner of Insurance, however, is satisfied that such insurance company is not in condition to continue business in the interest of its policy or certificate holders, under the Conservator as above provided, the Commissioner of Insurance shall give notice to the Attorney General who shall thereupon apply to any Court in Travis County, Texas, having jurisdiction thereof for leave to file a suit in the nature of quo warranto to forfeit the charter of such insurance company or to require it to comply with the law or to satisfy the Commissioner of Insurance as to its solvency, and that its condition is such as to render the continuance of its business hazardous to the public or to the holders of its policies or certificates of insurance.

"It shall be in the discretion of the Commissioner of Insurance to determine whether or not he will operate the insurance company through a Conservator, as provided above, or report it to the Attorney General, as herein provided.

"When all the policies of an insurance company are reinsured or terminated, and all of its affairs concluded, as herein provided, the Commissioner of Insurance shall report the same to the Attorney General, who shall take such action as may be necessary to effect the forfeiture or cancellation of the charter of the insurance company so reinsured and liquidated. Where the Commissioner of Insurance lends his approval to the merger, consolidation or reinsurance of all the policies of one insurance company with that of another, the same shall be reported to the Attorney General

who shall proceed to effect the forfeiture or cancellation of the charter of the insurance company from which the policies were merged, consolidated or reinsured, in the same manner as is provided for the charters of companies totally reinsured or liquidated.

"The cost incident to the Supervisor's and Conservator's service shall be fixed and determined by the Commissioner of Insurance and shall be a charge against the assets and funds of the insurance company to be allowed and paid as the Commissioner of Insurance may determine.

"E. Out of State Companies. This Act shall apply to insurance companies doing an insurance business but not domiciled in the State of Texas, whether authorized to do business in this State or not. In the event that the Commissioner of Insurance makes any of the findings provided for in paragraph A of this Article concerning any such insurance company or finds that any such insurance company is not possessed of the minimum surplus or capital or capital stock required by the Insurance Code of the State of Texas for similar type domestic companies, or if a Conservator, rehabilitator, receiver, or liquidator has been appointed in the state of domicile, or if the insurance company gives its consent as defined herein, the Commissioner of Insurance shall have the same power and jurisdiction to appoint a Supervisor or Conservator as to the assets of such out of state insurer located in this State as provided herein for domestic insurance companies. In the event that any such out of state insurance company shall fail to comply with the provisions of paragraph C of this Article with respect to any of its assets or policies located within this State during any thirty (30) day period of supervision, such act or violation shall constitute sufficient grounds for the immediate revocation of its certificate of authority to do business in this State and for the immediate appointment of a Conservator to take charge of its assets located within this State. Any Supervisor or Conservator appointed with respect to assets located in this State belonging to an out of state insurance company shall have all of the powers and authority provided for in paragraph D of this Article with respect to such assets located in this State and, in addition, may reinsure all or any part of such insurance

company's policyholders or certificate holders located within this State with some solvent insurance company authorized to transact business in this State and may transfer to the reinsuring company, as reserve funds, assets or any portion thereof in his possession as may be required to consummate the reinsurance of such policies and any of such assets transferred as reserve funds shall not be deemed a preference of creditors.

"F. Review and Stay of Action. During the period of supervision and during the period of conservatorship, the insurance company may request the Commissioner of Insurance or in his absence, the duly appointed Deputy for such purpose, to review an action taken or proposed to be taken by the Supervisor or Conservator, specifying wherein the action complained of is believed not to be in the best interests of the insurance company, and such request shall stay the action specified pending review of such action by the Commissioner or his duly appointed Deputy. Any order entered by the Commissioner appointing a Supervisor and providing that the insurance company shall not do certain acts as provided in paragraph C of this Article, any order entered by the Commissioner appointing a Conservator, and any order by the Commissioner following the review of an action of the Supervisor or Conservator as hereinabove provided shall be immediately reviewed by the State Board of Insurance upon the filing of an appeal by the insurance company. The Board shall review the action complained of in a public hearing and render its decision at the earliest possible date thereafter, and the requirement of ten days notice set out in Article 1.04 (d) of this Code may be waived by the parties of record. The Board may stay the effectiveness of any order of the Commissioner, pending its review of such order. Such appeal shall have precedence over all other business of a different nature pending before the Board, and in the public hearing any and all evidence and matters pertaining to the appeal may be submitted to the Board, whether included in the appeal or not, and the Board shall make such other rules and regulations with regard to such applications and their consideration as it deems advisable. If such insurance company be dissatisfied with any decision, regulation, order, rule, act or adminis-

trative ruling adopted by the State Board of Insurance, such dissatisfied insurance company after failing to get relief from the State Board of Insurance, may file a petition setting forth the particular objection to such decision, regulation, order, rule, act or administrative ruling, or to either or all of them, in the District Court of Travis County, Texas, and not elsewhere, against the State Board of Insurance as defendant. Said action shall have precedence over all other causes on the docket of a different nature. The action shall not be limited to questions of law and the substantial evidence rule shall not apply, but such action shall be tried and determined upon a trial de novo to the same extent as now provided for in the case of an appeal from the Justice Court to the County Court. Either party to said action may appeal to the Appellate Court having jurisdiction of said cause and said appeal shall be at once returnable to said Appellate Court having jurisdiction of said cause and said action so appealed shall have precedence in said Appellate Court over all causes of a different character therein pending.

"The Board shall not be required to give any appeal bond in any cause arising hereunder.

"G. Venue. Except for causes of action based upon terms of an insurance policy or policies issued by an insurance company placed in conservatorship, any suit filed against an insurance company or its Conservator, after the entrance of an order by the Commissioner of Insurance placing such insurance company in conservatorship and while such order is in effect, shall be brought in a court of competent jurisdiction in Travis County, Texas, and not elsewhere.

"H. Duration of Conservatorship. As respects a conservatorship, the Conservator shall serve for such time as is necessary to accomplish the purposes of the conservatorship as intended by this Act. If rehabilitated, the rehabilitated insurance company shall be returned to management or new management under such reasonable conditions as will best tend to prevent the defeat of the purposes for which it was placed in conservatorship.

"I. Rules and Regulations. The State Board of Insurance shall be empowered to adopt and promulgate such reasonable rules and regulations as may be necessary for the augmen-

tation and accomplishment of this Act, including its purposes.

"Section 2. This Act shall be cumulative of all other laws, general and special, relating to the subject matter hereof, and if in conflict with any other laws, general and special, the provisions hereof shall control and govern.

"Section 3. Severability Clause. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Section 4. The fact that the Commissioner of Insurance and the State Board of Insurance do not now have adequate authority to act by supervision and conservatorship to rehabilitate, reinsure, conserve or liquidate an insurance company before it becomes hopelessly insolvent or before it becomes necessary to appoint a receiver involves an emergency and creates an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The Committee Amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Vote

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 477 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 477 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Reagan
Connally	Strong
Creighton	Watson
Grover	Wilson
Hardeman	Word
Harrington	

Nays—2

Mauzy	Ratliff
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Absent

Wade

Absent—Excused

Hall	Schwartz
Jordan	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Reagan
Connally	Strong
Creighton	Wade
Grover	Watson
Hardeman	Wilson
Harrington	Word

Nays—2

Mauzy	Ratliff
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Absent—Excused

Hall	Schwartz
Jordan	

Motion to Place

Senate Bill 165 on Second Reading

Senator Kennard asked unanimous consent to suspend the regular order of business and take up S. B. No. 165 for consideration at this time.

There was objection.

Senator Kennard then moved to suspend the regular order of business and take up S. B. No. 165 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—17

Bates	Hightower
Berry	Kennard
Brooks	Mauzy
Christie	Moore
Cole	Patman
Grover	Ratliff
Hardeman	Watson
Harrington	Wilson
Herring	

Nays—9

Aikin	Parkhouse
Blanchard	Reagan
Connally	Strong
Creighton	Word
Hazlewood	

Absent

Bernal	Wade
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Absent—Excused

Hall	Schwartz
Jordan	

Senate Bill 478 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 478, A bill to be entitled "An Act to provide protection for the loss claimant under all types of fire and casualty insurance coverage in the event of insolvency, liquidation, or bankruptcy of his insurance carrier by providing for a preference in the payment of his loss claim and by requiring insurance carriers writing fire and casualty insurance coverage to accumulate and maintain reserves for the payment of both loss claims and loss claim administrative expenses; etc.; and declaring an emergency."

The bill was read second time.

Senator Watson offered the follow-

ing Committee Amendment to the bill:

Amend S. B. No. 478 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as amended, is hereby amended by adding to subchapter D of Chapter 21 of the Insurance Code the following Article:

"Art. 21.28B. Loss Claimant's Priorities Act.

"Sec. 1. This Article shall be known as the Loss Claimant's Priorities Act.

"Sec. 2. Purpose. The purpose of this article as amendatory of the Insurance Code is to provide for the protection of the person with a loss claim against an insurer subject to an insolvency, liquidation, or bankruptcy proceeding, by creating a preference in payment of his loss claim prior to, during or in respect of that proceeding. It is the sense of the legislature that the purpose of insurance as an instrument of progress and as an invention of society is for the many to share the financial burdens of the few who suffer loss. An individual bands together with other individuals by the purchase of insurance to assure that the financial burdens incurred by his loss which he alone cannot bear will be shared by others; the private insurer accomplishes this purpose by collecting premiums from its policyholders for distribution to those policyholders who suffer a loss. The purpose for which private insurers exist and the reason for which an individual purchases insurance are defeated by the failure to give preference in the payment of loss claims over other claims. It is the purpose of this article to establish a preference in the payment of the whole of the amount of loss claims against an insurer that is the subject of an insolvency, liquidation, or bankruptcy proceeding.

"Sec. 3. As used in this article, loss claim is the claim of an insured, a third party beneficiary, or any other person entitled thereto, under a contract of insurance or indemnification, for a loss arising within the terms of coverage provided in a contract of insurance or indemnification for an amount within the express limits of such insurance policy, but ex-

cluding a claim for unearned premium.

"Sec. 4. Scope and Application. The provisions of this article shall apply to all loss claims arising within the terms of coverage provided in any type of property-casualty insurance policy, including, but not limited to, insurance policies issued for the purpose of insuring those losses or risks mentioned or enumerated in the Insurance Code in Articles 6.03, 7.19-1, 8.01 (except Section 10 thereof), 16.01, and 17.01. The provisions of this article shall apply to loss claims under all insurance policies issued by insurers organized or operating under Chapters 16, 17, 18, and 19 of the Insurance Code, any provisions of these Chapters to the contrary notwithstanding.

Consonant with the provisions of Section 15, Article 1.10, Insurance Code, loss claims under insurance policies issued by insurers either organized or operating under Chapters 3, 9, 10, 11, 12, 13, 14, 20, and 22 of the Insurance Code, shall be excluded from the provisions of this article. Provided, however, that the preceding exclusion shall not apply to loss claims under workmen's compensation insurance policies, and liability insurance policies issued by the insurers enumerated in the preceding exclusion, and loss claims under these insurance policies shall be entitled to the preference in payment of loss claims as provided in this article.

"Sec. 5. Preference of Loss Claims. The whole of the amount legally or lawfully determined to be due upon the loss claim, or any award or judgment thereon, shall be entitled to the same preference in payment in a liquidation proceeding, insolvency proceeding, or bankruptcy proceeding, or in the administration of liquidation, as is given by any law of this state or by the federal bankruptcy act to claims for wages. The expenses necessary to the administration of a liquidation proceeding, insolvency proceeding, or bankruptcy proceeding shall be met before payment of loss claims. To the extent that any other law is in conflict with or inconsistent with the provisions of this article, the provisions of this article shall take precedence and be effected.

"Sec. 6. Unconstitutional Application Prohibited. This article and law does not apply to any insurer or other person to whom, under the Consti-

tution of the United States or the Constitution of the State of Texas, it cannot validly apply.

Section 2. Article 17.22 of the Insurance Code, as amended, is hereby amended to read as follows:

"Art. 17.22. Exemption from Insurance laws.

"County Mutual insurance companies shall be exempt from the operation of all insurance laws of this State, except as in this Chapter specifically provided. In addition to such Articles as may be made to apply by other Articles of this Chapter, county mutual insurance companies shall not be exempt from and shall be subject to all the provisions of Article 2.04 and of Article 2.05 and of Article 2.08 and of Article 2.10 and of Article 5.12 and of Article 5.37 and of Article 5.38 and of Article 5.39 and of Article 5.40 and of Article 5.49 and of Article 21.28B of this Code, and the provisions of Article 7064 of the Revised Civil Statutes of Texas."

Section 3. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 4. Emergency Clause. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read and was adopted.

Senator Watson offered the following Committee Amendment to the bill:

Amend S. B. 478 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

TO BE ENTITLED

AN ACT amending Chapter 21 of the Insurance Code, adding thereto a new Article 21.28B entitled "Loss Claimant's Priorities Act," creating

a preference in respect of an insolvency, liquidation or bankruptcy proceeding in favor of a loss claimant under certain insurance policies including policies issued by property-casualty insurers, excepting loss claimants under title insurance policies, providing a statement of legislative purpose, defining loss claim, providing for the scope and application of the Act, prohibiting unconstitutional application of the Act, amending Article 17.22 of the Insurance Code to make the law applicable to Chapter 17 companies, providing a severability clause, and declaring an emergency.

The Committee Amendment was read and was adopted.

The bill (S. B. No. 478) as amended was passed to engrossment.

Senate Bill 478 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 478 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Hall	Schwartz
Jordan	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Bernal
Bates	Berry

Blanchard	Kennard
Brooks	Mauzy
Christie	Moore
Cole	Parkhouse
Connally	Patman
Creighton	Ratliff
Grover	Reagan
Hardeman	Strong
Harrington	Wade
Hazlewood	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Hall	Schwartz
Jordan	

Leave of Absence

Senator Wade was granted leave of absence for the remainder of the day on account of important business on motion of Senator Word.

Bill and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

S. C. R. No. 51, Honoring the Basketball Team of Snook High School, Burleson County, Texas.

S. C. R. No. 52, Memorial resolution for Martin G. Hylin.

S. B. No. 438, A bill to be entitled "An Act relating to the testing of milk and cream; providing a penalty; amending Articles 5728, 5736b (Article 1057b, Vernon's Texas Penal Code), and 5736d, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Senate Concurrent Resolution 12 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 12, Petitioning Congress of the United States to call a Constitutional Convention to provide for remittance to the states a portion of individual and corporate income taxes.

The resolution was read second time.

Senator Watson offered the following amendment to the resolution:

Amend S. C. R. No. 12 by striking the quoted article in the first resolving clause and substituting the following:

"ARTICLE—

"Beginning with the first full fiscal year after ratification of this amendment by the requisite number of states, there shall be remitted to the participating states of these United States, an amount determined by the Secretary of the Treasury to be equal to not less than 5% of the aggregate total of individual and corporate income taxes paid to the United States during the preceding calendar year by residents of participating states.

"Such funds shall be remitted to the participating states without restriction and this remission of funds shall be in addition to any other federal grant programs which may be enacted by the Congress.

"Each participating state shall share in such remission in proportion as the population of such state bears to the total population of all participating states, according to the last preceding federal census.

"A state is a participating state unless its Legislature has determined by law that it chooses not to participate; but in lieu of participation in such remission each resident of a nonparticipating state shall be allowed a credit against his individual or corporate federal income tax in the amount of 5% of the tax imposed."

The amendment was read.

On motion of Senator Moore the amendment was tabled.

The resolution (S. C. R. No. 12) was then adopted.

Record of Votes

Senators Hardeman, Watson, Harrington, Mauzy and Parkhouse asked to be recorded as voting "Nay" on the adoption of the above resolution.

Memorial Resolution

S. R. No. 453—By Senator Herring: Memorial resolution for Walter Daniel Lloyd.

Welcome and Congratulatory Resolutions

S. R. No. 452—By Senators Word and Hall: Extending welcome to sponsor and members of Methodist

Youth Fellowship of First Methodist Church of Rockwall.

S. R. No. 457—By Senator Watson: Extending welcome and privileges of the floor for the day to Drew Gillen of Blooming Grove.

S. R. No. 459—By Senators Hall and Word: Extending welcome to Maurine Monson.

S. R. No. 462—By Senator Wilson: Extending welcome to Ronald Roberts.

S. R. No. 463—By Senators Strong and Blanchard: Extending congratulations to John H. Cace.

Recess

On motion of Senator Kennard the Senate at 4:49 o'clock p.m. took recess until 11:30 o'clock a.m. tomorrow.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 379, An Act authorizing the Texas Department of Mental Health and Mental Retardation to provide services for widows of Confederate soldiers and sailors in licensed nursing homes; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 525, An Act amending Sections 1, 5, 6, 7, and 11, of H. B. 230, Chapter 272, Acts of the 52nd Legislature, Regular Session, 1951 (Art. 2815t, V.T.C.S.); providing that

construction of any buildings, the prescribing of courses of study and degree offerings, and the date of beginning of courses of instruction, shall be approved by the Coordinating Board, Texas College and University System; providing a repealing clause; providing a severability clause; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 396, An Act authorizing issuance to certain associations of teachers or school administrators of group insurance policies covering any class or classes of their members and members dependents for one or more of the risks herein enumerated; providing that such policies may be issued to any such association as the policyholder upon the terms and conditions set out in this Act, notwithstanding contrary or inconsistent provisions in any other Act contained; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 369, An Act relating to fees for services provided by community centers; requiring county attorneys to file suit on behalf of such centers to collect for services; amending Section 3.14, Chapter 67, Acts of the 59th Legislature, Regular Session, 1965 (codified as Section 3.14, Article 5547-203, Vernon's Texas Civil Statutes); and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 199, An Act amending Article 11.19 of the Insurance Code of the State of Texas, same being Acts of 1951, 52nd Legislature, Regular Session, Chapter 491, page 868, as amended, codified as the Insurance Code, Vernon's Texas Civil Statutes, so as to add reference to Articles 11.20 and 11.21 of such Code; to amend such Code so as to add Article 11.20 thereto so as therein to enable mergers and consolidations of mutual life insurance companies, to prescribe the procedures to be followed for and the conditions to effectuation of such mergers and consolidations, and the effect of mergers and consolidations of such companies; to amend such Code so as to add Article 11.21 thereto so as to enable and prescribe certain conditions to total reinsurance agreements between domestic mutual life insurance companies and any other life insurance companies; providing for a severability clause; providing for repeal of laws in conflict to the extent of such conflict only; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 385, An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including Home-Rule cities) or towns; validating, ratifying, confirming and approving refunding bonds issued for the purpose of refunding time warrants and all proceedings, governmental acts, orders, ordinances, resolutions and other instruments relating to the issuance of refunding bonds for such purposes of counties, cities (including Home-Rule cities) and towns; providing that this Act

shall not apply to any contract, scrip warrants, time warrant or to any refunding bond proceedings, governmental acts, orders, resolutions or other instruments, or bonds executed or issued by any county with a population in excess of three hundred and fifty thousand (350,000), according to the last preceding Federal Census, or any contract, scrip warrant, time warrants, or any refunding bond proceedings, governmental acts, orders, ordinances, resolutions or other instruments, or bonds, the validity of which is now involved in litigation; providing a savings clause; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 148, An Act amending Article 7467c, Revised Civil Statutes of Texas, 1925, being the Article authorizing the granting of seasonal and temporary permits to appropriate water, by limiting to three (3) years the period of time for

which a temporary permit may be granted; and declaring an emergency. has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 438, An Act relating to the testing of milk and cream; providing a penalty; amending Articles 5728, 5736b (Article 1057b, Vernon's Texas Penal Code), and 5736d, Revised Civil Statutes of Texas, 1925; providing a severability clause; and declaring an emergency. has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

April 24, 1967

S. B. No. 396

S. B. No. 379

S. B. No. 369

S. B. No. 199

S. B. No. 525

In Memory of
Mrs. Ella Stevens Watson

Senator Watson offered the following resolution:

(Senate Resolution 455)

Whereas, The death of Mrs. Ella Stevens Watson in Hillsboro on April 7, 1967, touched with sorrow the lives of the many who knew and loved this distinguished and interesting citizen of Hill County; and

Whereas, When death came to her at the age of 93, Mrs. Watson was still active and was writing a history of Hill County, where she had lived throughout her lifetime; and

Whereas, She was born in Covington on July 27, 1874; she was a graduate of Winchester College in Tennessee and Kidd-Key College in Sherman; on April 12, 1893, she married Robert L. Watson; and

Whereas, A resident of Hillsboro for 48 years, she was a vital part of the community, participating in many civic activities, in patriotic and service organizations: she was a member of the Daughters of the American Revolution, the Order of the Eastern Star, and the United Daughters of the Confederacy; she was also a life member of the Sesame Club and a member of the Hill County Historical Society; and

Whereas, Unlike many of her women contemporaries, she enjoyed politics and took part in precinct, county, and state party conventions; she was the first National Democratic Committeewoman from District 12; and

Whereas, Her large family—four daughters and two sons—received generous attention, but she never allowed household routine to become her only interest, and inspired her family, as well, to participate in public activities, to feel the same obligation to community, state, and national service which guided her own life; and

Whereas, In 1946, she was selected as Texas Mother of the Year by the Golden Rule Foundation; and

Whereas, One son, J. Weldon Watson, is a former executive director of the Texas Parks and Wildlife Department; her other children who survive include another son, John A. Watson of Bremerton, Washington, and four daughters—Mrs. Mary Lena Hippard of Corpus Christi, Mrs. Marjorie Mayes of San Francisco, Mrs. Pauline Wilkerson of Fort Worth, and Mrs. F. O. B. Johnson of Arlington; and

Whereas, Mrs. Watson was a dedicated Christian, a member of the Presbyterian Church in Hillsboro, who devoted her life to the service of others; and

Whereas, The Senate of Texas wishes to recognize this outstanding and highly esteemed woman and extend sympathy to the members of her family and all the citizens of Hill County on their great loss; now, therefore, be it

Resolved, That the Senate of Texas by this Resolution pay tribute to Mrs. Ella Stevens Watson; and, be it further

Resolved, That copies of this Resolution be prepared for her children, and that when the Senate adjourns this day, it do so in memory of Mrs. Ella Stevens Watson.

WATSON

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of

Delbert (Buddy) Carter

Senator Creighton offered the following resolution:

(Senate Resolution 456)

Whereas, In the passing of Delbert (Buddy) Carter on the 12th day of April, 1967, at the age of 59, the State of Texas lost an outstanding church and civic leader and a dedicated citizen; and

Whereas, As a native of Bowie, Mr. Carter was born March 18, 1908, and was a member of the Montague Baptist Church where he was a deacon and served four years on the Montague County School Board; and

Whereas, He went into the service of his country serving 12 years in the U. S. Army Corps of Engineers, including the period during World War II; and

Whereas, He and his wife, who is treasurer of Montague County, for many years were owners of what is now Galmor's Cafe during a residence in St. Jo, also in Montague County; and

Whereas, He is survived by his widow, Ruby Carter, and three sons, Garry, a junior student at Southwest Texas State College in San Marcos who serves as sergeant-at-arms in the Texas Senate, Larry, of Fort Lewis, Washington, and Richard, who resides with his mother in Bowie; three sisters, Mrs. Barton Ramsey of Monahans, Mrs. M. H. Arnold of San Angelo, and Mrs. Devon Reed of Perryton; and

Whereas, The Senate of Texas wishes to extend sympathy to the members of his family on their great loss and to express appreciation for the civic service and the contribution he made to his country as a member of the U. S. Army, now, therefore, be it

Resolved, That the Senate of Texas by this Resolution pay tribute to Delbert (Buddy) Carter of Bowie; and, be it further

Resolved, That a page be set aside in the Senate Journal in his memory, that copies of this Resolution be furnished to his survivors and that when the Senate adjourns today it do so in memory of Delbert (Buddy) Carter.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

Judge Victor H. Lindsey

Senator Blanchard offered the following resolution:

(Senate Resolution 460)

Whereas, Judge Victor H. Lindsey, presiding judge of the Ninth Judicial Administrative District and of the 72nd District Court, died on Wednesday, April 12, 1967, after dedicating more than 16 years of his life in public service to the citizens of the State of Texas as a member of the judiciary; and

Whereas, Judge Lindsey, a long-time member of the Lubbock County Bar Association and the State Bar of Texas, was born on October 21, 1896, in Tennessee and moved to Texas with his parents to Bartonville in Denton County; and

Whereas, After his marriage to the former Ola Fay Moore of Bartonville, the couple moved to Fort Worth where the judge began his legal practice; and

Whereas, In Fort Worth, he served as deputy clerk and bailiff for the Court of Civil Appeals and as assistant city attorney before moving to Lubbock in 1928; and

Whereas, Judge Lindsey served as assistant district attorney in the late 1930's and 1940's under Burton S. Burks; and

Whereas, His distinguished service and expert knowledge of the law was recognized by Governor Allan Shivers, who appointed him judge of the 72nd District Court in Lubbock to fill the unexpired term of the late Judge Daniel A. Blair; in 1952 he was re-elected to the post and in subsequent elections had no opposition; and

Whereas, Another distinguished Texas governor, John Connally, recognized his conscientious service and appointed him presiding judge of the Ninth Judicial Administrative District in 1964; he was reappointed in 1965; and

Whereas, Judge Lindsey was never content to perform only the duties imposed upon him by his service to the public, but was active in the charitable and civic affairs of Lubbock in his capacity as a member of the Knights of Pythias, Lubbock Masonic bodies, Khiva Shrine Temple, First Methodist Church, and city and state bar associations; and

Whereas, In memory of this outstanding citizen and jurist, all cases in progress were postponed for that week and courthouse offices were closed the day of the funeral; and

Whereas, In expression of their sympathy, the three other district judges drafted a resolution which cited Judge Lindsey for "having demonstrated the finest qualities of dedication to duty, moral courage, and fundamental ability as a judge." This resolution was adopted and read into the records of several courts and bar associations in Texas; and

Whereas, He is survived by his wife; a brother, Frank Lindsey of Dallas; a nephew, Wyndel Lindsey of Fort Worth; and two nieces, Mrs. Stanley Schaffer and Mrs. Chester Heitman, both of Houston; and

Whereas, It is the desire of the Senate of the State of Texas to express its sympathy to the surviving members of the family and to recognize the outstanding achievements of Judge Lindsey, for his civic and legal contributions, and his devotion to the best interests of his community, his state, and his country; now, therefore, be it

Resolved by the Senate of Texas, That it does hereby express sympathy to the surviving members of the family of Judge Victor H. Lindsey, and by this Resolution, it recognizes his many contributions to the welfare of our state and country, and that copies of this Resolution be forwarded to the members of his immediate family by the Secretary of the Senate.

BLANCHARD

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Hightower and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.